

**STATE BOARD OF EDUCATION**  
**ADMINISTRATIVE CODE**  
**COMMENT/RESPONSE FORM**

This comment and response form contains comments from the June 4, 2003 State Board of Education meeting when the code was presented at third discussion level, from the regional public testimony sessions on April 8, 14, and 21, 2003, and from written testimony.

**Topic:** Professional Licensure and Standards

**Meeting Date:** June 18, 2003

**Code Citation:** N.J.A.C. 6A: 9

**Level:** Discussion

**Division:** Division of Educational Programs and Assessment

**Completed by:** Office of Licensure and Credentials, Office of Academic and Professional Standards

**Summary of Public Comments and Agency Responses:**

The following is a summary of the comments received from State Board members and from the public and the department's responses. Each commenter is identified at the end of the comment by a number, which corresponds to the following list:

- |  |   |
|--|---|
| 1. Maud Dahme, President<br>State Board of Education     | 8. Edward Taylor, Member<br>State Board of Education  |
| 2. Margaret Bartlett, Member<br>State Board of Education | 9. Roberta Van Anda, Member<br>State Board of Education   |
| 3. Debra Casha, Member<br>State Board of Education       | 10. Robert DeSando, Director of<br>Governmental Relations<br>New Jersey School Boards Assoc.        |
| 4. Kathleen Dietz, Member<br>State Board of Education    | 11. Michael Flynn, Associate Director<br>Governmental Relations<br>New Jersey Education Association |
| 5. Ann Dillman, Member<br>State Board of Education       | 12. Donald Yates,<br>Robert Kern<br>New Jersey Field Directors<br>Forum                             |
| 6. John Griffith, Member<br>State Board of Education     |   |
| 7. Arnold Hyndman, Member<br>State Board of Education    |   |

13. Peter B. Contini, President  
Salem Community College
14. Michael Curran, Associate  
Professor  
Rider University
15. Dana Egreczky, Vice President,  
Workforce Development  
Jeffrey Osowski, Vice President,  
Education Policy  
New Jersey Chamber of  
Commerce  
Business Coalition for  
Educational Excellence
16. Janet Boos,  
Business Education Teacher
17. Wayne Tozzi  
Business Education Teacher
18. Sharon Norton  
Business and Technology Teacher
19. Camille Nickels  
Business and Technology Teacher
20. Gerard Theirs, Executive Director  
ASAH, serving the private special  
education community since 1974
21. Edithe A. Fulton, President  
Robert A. Bonazzi, Executive  
Director  
New Jersey Education Association
22. William H. Adams, Superintendent  
Salem County Vocational  
Technical Schools
23. Brian McAndrew, President  
NJ Council of County Vocational  
Schools
24. Ada Beth Cutler, Dean  
College of Education and Human  
Services  
Montclair State University
25. Annell Simcoe, President  
New Jersey Association of  
Colleges for Teacher Education
26. Robert Weakley,  
Director of Human Resources  
Ridgewood Public Schools
27. George Charney, Teacher  
Ocean City High School
28. Ed Denton, Director of Technology  
Washington Township Public Schools
29. Sherry Roses, President  
Technology Educators  
Association of New Jersey
30. Barbara Arata-Gavere, Teacher  
Bergen County Technical High  
School
31. Sharon Blasé, Professor  
Rutgers, The State University
32. Patricia DiGioia-Laird, Teacher
33. Cheryl Lynn Juwoto, Teacher
34. Geraldine Lettieri Howard  
Fair Lawn High School
35. Carol Otis, Teacher
36. Karen Tanner Oliphant
37. Annette Beckerman, President  
New Jersey Business/Technology  
Education Association

38. Vito D'Alconzo, Principal  
Boonton High School
39. JoAnn Susko, Principal  
East Brunswick Public Schools
40. Paula Davis, Interim Chair  
State Employment & Training  
Commission
41. New Jersey Principals and  
Supervisors Association
42. Sam Lee,  
Joint Council if County Special  
Services School Districts
43. Paula Lieb, Executive Director  
New Jersey Coalition for  
Inclusive Education
44. Assemblyman Peter Eagler  
Assemblyman Willis Edwards  
New Jersey General Assembly
45. Mauro Tucci, President  
Anthony Lucibello, Executive  
Director  
Elizabeth Callahan,  
Director/Principal  
Northwest Essex Community  
Healthcare Network, Inc.
46. Kenneth Alter  
Council for Private Schools for  
Children with Special Needs
47. Esther R. Pennell, CPA  
School Bus. Adm.  
South Harrison Twp. S.D
48. Lynn E. Shugars, CPA  
School Business Administrator  
Woodbury Public Schools
49. Patricia A. Christopher, CPA  
School Business Administrator  
Lavallette Board of Education
50. James W. Edwards, Jr., CPA  
School Business Administrator  
Plumstead Township School District  
President, Ocean County Assn. of  
School Business Officials
51. Wayne Knight  
Concerned citizen
52. Charles Muller, NJ Association  
of School Business Officials
53. Ed Meglis, Executive Director  
NJ. Assn. of School Business  
Administrators
54. Neil Cramer  
County School Business  
Administrator, Sussex and  
Warren Counties.
55. Michael Chirichello,  
Department Chair, William  
Paterson University
56. Rosemary Richards, Vice President  
Association of Student Assistance  
Professionals New Jersey
57. Somerset County School Nurse's  
Association, Members
58. Diane Bachant, Certified School  
Nurse
59. Ann Bertsch, Certified School  
Nurse
60. Patricia Bruschi, Certified School  
Nurse

61. Jill Broschious, Certified School Nurse
62. C. Bonham, Certified School Nurse
63. Lynn Charles, Certified School Nurse
64. Theresa D'Elia, Certified School Nurse
65. Christine DeWitt, Certified School Nurse
66. Margaret Eckstein, Certified School Nurse
67. Betsy Fania, Certified School Nurse
68. Roberta Fisher, Certified School Nurse
69. Betty Gakos, Certified School Nurse
70. Colleen Goeller, Certified School Nurse
71. Gail Gordon, Chairperson  
Dept. of Health Sciences  
New Jersey City University
72. Angela Hall  
Belvidere, NJ
73. Ruth Hutchinson, Professor  
Emerita, College of Nursing  
Seton Hall University
74. Laura Janone, Coordinator  
School Nursing Program  
Monmouth University
75. Sherry Johnstone, Certified  
School Nurse
76. Debbie Kahn, Certified School Nurse  
Barbara Krivda, Certified  
School Nurse
77. Marina Lugovoy, Nurse  
Practitioner
78. Margaret Martone, Certified  
School Nurse
79. Sandy McHenry, Asst. Professor  
School Nursing Program  
Rowan University
80. Denice Miller, Certified School  
Nurse, Assistant Professor  
Department of Health Sciences  
New Jersey City University
81. Elaine Pesano, Counselor  
Mount Prospect School
82. Elizabeth Radil, Certified School  
Nurse
83. Barbara Snepar, Certified School  
Nurse
84. Susan Stabile, Certified School  
Nurse
85. Susan Talocka, RN
86. Susan Weiss, Certified School  
Nurse
87. Pupil Assistance Committee  
Members, Intervention and Refer  
all Services
88. Carol McGotty, President  
NJ School Nurses Association

89. Bergen, Cape May, Essex,  
Gloucester, Monmouth, and  
Somerset County School Nurse  
Associations
90. New Jersey Association of School  
Social Workers
91. New Jersey School Counselor  
Association, Inc.
92. MaryLou Ramsey, Coordinator  
School Counseling Program  
Mark Kiselica, Chairperson  
Department of Counselor  
Education  
The College of New Jersey
93. Rosemarie Scolaro Moser,  
President, New Jersey  
Psychological Association
94. Arnold Lindley,  
Ruth Marino,  
New Jersey Association of School  
Psychologists
95. Elaine Fine, Professor  
Montclair State University
96. Josephine Khare Lojius, President  
Association of Learning  
Consultants
97. Marion Glantz, President  
New Jersey Association of Speech  
Language Specialists
98. Sue Goldman  
New Jersey Association of  
Speech Language Specialists
99. Susan Heinis, President  
Education Media Association of  
New Jersey (EMAnj)
100. Janis lynch, Media Services  
Supervisor  
Parsippany-Troy Hills Township  
School District
101. Sara Bergstresser, School Librarian
102. Philip Paspalas, Technology  
Teacher
103. Ronald Goodwin, Supt.  
Marie H. Katzenbach School for  
the Deaf
104. Joan Cohen, Sign Language  
Interpreter, New Jersey Registry  
of Interpreters for the Deaf
105. Pamela Schwartz  
M. R. Jackowsky
106. Michael Brennan, Regional  
Representative, Mid-Atlantic  
Region, Helen Keller National  
Center
107. Trudy Doyle, Chairperson,  
New Jersey Association of School  
Administrators Professional  
Development Committee

## **SUBCHAPTER 1: Scope and Purpose**

1. **Comment:** The commenter was concerned because the certification unit has been reorganized within the State Board of Examiners and wanted clarification regarding the impact of the reorganization on school districts. **(10)**

**Response:** The current regulations assign responsibility for the certification process to the Division of Teacher Preparation and Certification, now known as the Office of Licensure and Credentials. The proposed regulations do not address the office; rather they assign the responsibilities now set forth in code to the State Board of Examiners and its staff, since by statute, N.J.S.A. 18A:6-38, the State Board of Examiners is responsible for issuing and revoking certificates. Clearly, members of the Board do not examine credentials directly; accordingly, the Board requires staff members to perform the ministerial work. The duties given to the Board and staff in the proposed regulations are implicit in the Board's ability to carry out its responsibilities. However, to emphasize that the staff members who perform the ministerial duties are employees of the department, and not of the Board, N.J.A.C. 6A: 9-4.2(d) will be amended as follows:

(d) In exercising its statutory and regulatory authority, the Board and [its] staff assigned to it may:

1. Examine credentials and issue certificates that qualify individuals to seek employment as teaching staff members in the public schools of the State of New Jersey;
2. Recommend and develop procedures that govern the certification of teaching staff members;
3. Coordinate, monitor and evaluate those aspects of college academic programs and those training programs of district boards of education that lead to educational certificates and recommend their periodic approval by the Commissioner;
4. Coordinate, monitor and evaluate the administration of tests and other assessments that are required for educational certification;
5. Maintain reciprocal agreements with other states and territories concerning the certification of educational practitioners;
6. Maintain and report data on the supply and quality of newly certified teaching staff members; and
7. Assist district boards of education in the employment of teaching staff members.

This provision should have no effect on school districts because it will not change current practices for reviewing certification.

## SUBCHAPTER 2: Definitions

2. **Comment:** The commenter was concerned with the definition in N.J.A.C. 6A:9-2 that defines full-time teaching as the equivalent of 900 clock-hours of teaching per year, based on 5 hours per day of pupil contact for a 180 day school year. The commenter believes that the definition has the potential to cause scheduling problems, create the need for a longer school year and require changes in local employment contracts. The commenter requests that department retain the current definition, which requires only the equivalent of 900 clock-hours of teaching per year. **(11)**

**Response:** In order to provide flexibility to school districts, the department will amend the definition to state that full-time teaching is the equivalent of 900 clock-hours a year. It should be noted that 900 hours is equal to 5 hours a day for 180 days. The regulation will be amended as follows:

“Full-time teaching” means the equivalent of 900 clock-hours of teaching per year[, based on 5 hours per day of pupil contact for a 180-day school year].

3. **Comment:** The commenter believed that the term “Board” for the State Board of Examiners is confusing, since some may think of the term as referring to the State Board of Education or the local board of education. **(10)**

**Response:** The department disagrees. N.J.A.C. 6A:9-2 defines the terms “Board,” “State Board,” and “district board of education,” and the regulations use these terms in a consistent manner.

4. **Comment:** The commenter believed that the term “coherent major” is confusing. **(10)**

**Response:** The department has previously amended the definition of the term to make it clearer.

5. **Comment:** The commenter believed that the definition of “Office” is unclear. **(10)**

**Response:** The department disagrees. The name of the entity within the department that assists the State Board of Examiners in its statutory duties has been changed several times in recent years. The department believes that use of a generic term for the entity that is assigned responsibility for certification matters will eliminate confusion in the future if the name is changed again.

6. **Comment:** The commenter recommended using the definition of “teaching staff member” set forth in N.J.S.A. 18A:1-1 in order to avoid confusion. **(10)**

**Response:** The department agrees with the suggestion. The definition of “teaching staff member,” as used in the regulations, will be the following:

“Teaching staff member” means a member of the professional staff of any {public school] district or regional board of education, or any board of education of a county vocational school, holding office, position or employment of such character that the qualifications, for such office, position or employment, require him or her to hold a valid and effective [Board issued] standard, provisional or emergency certificate, appropriate to [the] his or her office, position or employment [held], issued by the state board of examiners and includes a school nurse.

7. **Comment:** The commenter recommended the use of the definition for “vocational education” set forth at N.J.S.A. 18A:54-1 for the term “vocational-technical education” in order to avoid confusion. **(10)**

**Response:** The department disagrees. “Vocation education” and “vocational-technical education” are different terms with different meanings. The definition of “vocational-technical education” parallels the definition for the term found in other regulations.

8. **Comment:** The commenter noted that any change in the certification scheme that eliminates the traditional endorsement structure has seniority implications for teaching staff members. The licensure code review process should also include a review of the seniority code, N.J.A.C. 6:3-5.1. **(10)**

**Response:** The department is researching this issue and will respond upon completion.

9. **Comment:** The commenter stated that tenure acquisition rights appear to be implicated by the proposal to create dozens of new certificates. It would appear that teachers would obtain tenure as a “teacher of math” or a “teacher of elementary education,” not just as a “teacher,” as is currently the case. The commenter questioned whether this is the intent of the proposal. **(10)**

**Response:** The department is researching this issue and will respond upon completion.

10. **Comment:** The commenter believed that teacher transfer rights would also appear to be implicated. Currently, tenured teachers may be transferred among their endorsements without violating their tenure rights. This staffing flexibility for boards of education would appear to be eliminated under the current proposal of multiple certificates. **(10)**

**Response:** The department is researching this issue and will respond upon completion.



11. **Comment:** The commenter believed that teacher recall rights in a reduction of force also appear to be implicated. Currently, teachers who have been the subject of a reduction in force have tenure entitlement recall rights to all positions for which they hold certification endorsements, even if they have not taught in the area, by virtue of their tenure as a “teacher.” If tenure would only be acquired as, for example, a math teacher, it would appear that recall rights would be limited to that position regardless of other certifications held. **(10)**

**Response:** The department is researching this issue and will respond upon completion.

12. **Comment:** The commenter noted that currently acquired tenure and seniority rights need to be considered as part of this process and inquires whether they are grandfathered. **(10)**

**Response:** The department is researching this issue and will respond upon completion.

13. **Comment:** The commenter noted that currently teaching staff members who serve under educational services certificates acquire tenure in “educational services,” as per the Appellate Division in Ellicott. The proposal would appear to create a series of separately tenurable positions, with the exception of the school nurse, which is separately tenurable under N.J.S.A. 18A:28-5. The commenter questions whether this the intended result? **(10)**

**Response:** The department is researching this issue and will respond upon completion.

### **SUBCHAPTER 3: Professional Standards for Teachers and Administrators**

14. **Comment:** The commenter recommended that Standard Three: Diverse Learners of the Professional Standards for Teachers should focus not only on students with special needs and disabilities but also on a wide range of student diversities such as culture, race, ethnicity, and language. **(24)**

**Response:** The department agrees. The standard has been revised to reflect this position.

15. **Comment:** The commenters recommended that dispositions be integrated into the Professional Standards for Teachers themselves, not just be part of a preface. **(24, 25)**

**Response:** The department agrees. The dispositions have been added as indicators for each standard.

16. **Comment:** The commenter recommended that the Professional Standards for Teachers be aligned with the national Interstate New Teacher Assessment and Support Consortium (INTASC) Standards in which standards are delineated through indicators in the areas of knowledge, dispositions, and performances. (24)

**Response:** The department agrees. The Professional Standards for Teachers have been revised to align more closely with the national INTASC Standards. The standard indicators are grouped in the areas of knowledge, dispositions, and performances.

#### **SUBCHAPTER 4: State Board of Examiners**

17. **Comment:** The commenter was concerned with the shift in N.J.A.C. 6A:9-4 of issuance and revocation authority for substitute certificates from the county to the State Board of Examiners, which calls into question the county-based service area of substitute certificates. (10)

**Response:** There has been no change in the authority for issuance and revocation of county substitute certificates. N.J.A.C. 6A:9-6.5 merely emphasizes that the county substitute certificate is issued pursuant to the authority of the State Board of Examiners to issue certificates. Procedures for issuing the certificate remain the same. The county superintendent will issue the certificate, and it remains county-based. The county substitute certificate has always been considered a certificate. For example, in the current regulations, N.J.A.C. 6:11-4 is captioned “Types of Certificates,” and N.J.A.C. 6:11-4.5 identifies “county substitute certificate” as a type of certificate.

While county substitute certificates are not instructional certificates, they are a type of educational certificate, albeit a very limited one, in that they authorize the holder to teach for up to 20 days in the place of a certified teacher who is absent. As only the State Board of Examiners has the authority to issue certificates, the regulation makes clear that the county superintendent issues the county substitute certificate on behalf of the Board. Similarly, only the State Board of Examiners has the statutory authority to revoke a certificate. Once an individual receives a county substitute certificate, he or she has a property right in the certificate that may be removed only in accord with due process requirements, which in this case means notice and hearing. County superintendents have no authority nor capability to conduct the hearings that are required before a certificate may be revoked or suspended. Accordingly, the proposed regulation makes clear that the State Board of Examiners has the authority to revoke certificates issued by the county.

18. **Comment:** The commenter believed that one college president or dean, one teacher, two public members and three local school board members including one vocational board member should be added to the State Board of Examiners. (10)

**Response:** The composition of the State Board of Examiners is established by statute. Absent an amendment to N.J.S.A. 18A:6-34, there is no authority to add additional members to the Board.

## **SUBCHAPTER 5: General Certification Policies**

- 19. Comment:** The commenter stated support for a system of renewable teacher certification that includes the issuance and periodic renewal of certificates based on demonstrated teacher competencies, continued professional development, educational achievements, and local districts' evaluation of teacher performance. While the proposed regulations do not go as far as the commenter would like, it would welcome the opportunity to have a dialogue with the department and State Board on the issue. **(10)**

**Response:** While there will be no changes to the current proposal, the department will consider this suggestion in future discussions.

- 20. Comment:** The commenter objected to waiving the 20 day substitute limitation for foreign teachers. If this provision is not deleted, a foreign teacher could serve in a position for years. **(11)**

**Response:** N.J.A.C. 6A:9-5.15(a) has been rewritten to clarify that the regulation refers only to teachers who are part of a teacher exchange program for a period of up to one year. In addition, N.J.A.C. 6A:9-5.15(c) will be changed as follows to emphasize that the requirement of obtaining a county substitute certificate applies only to exchange teachers:

The district board of education shall request, through the county superintendent, that the Office issue a county substitute certificate to the exchange teacher. The 20 day limitation pursuant to N.J.A.C. 6A:9-6.5(b) shall not apply to [such foreign] exchange teachers and the [foreign] exchange teacher is authorized to serve for the period of his or her temporary service in the state as an exchange teacher [employed in an experimental program].

N.J.S.A. 18A:26-2 requires all teaching staff members to hold certification. In order to meet the statutory requirement, exchange teachers, who may be from another state or a foreign country and who become a member of the teaching staff of the host district, will receive a county substitute certificate. Because the exchange program may be for a maximum of one year, the exchange teacher will not be able to serve in a position for years, as the commenter believes.

- 21. Comment:** The commenter noted that N.J.A.C. 6A:9-5.1(b) requires the district board of education to assure that the candidate for employment holds all necessary licenses or certificates. The commenter questioned whether this

provision will allow current middle school teachers to demonstrate competence in the subject that they are teaching. It should count years of experience, coursework and/or professional development. Otherwise, the proposal limits teachers to teach K-5 only. In addition, it appears duplicative of the requirement in N.J.A.C. 6A: 9-5.2(b). **(1, 10)**

**Response:** N.J.A.C. 6A:9-5.1(b) and (c) were placed in the regulations to assure that a certificate holder complies with any additional licensing requirements established by state or federal law. It is the responsibility of the employing district to ascertain that the prospective employee has obtained any additional license, certificate, or authorization that would be required for the position. If the employing district determines that the employee no longer holds the required license, certificate or authorization, it must notify the Board. For example, school nurses and physical therapists are required to hold a current valid license issued by their respective licensing boards in addition to their teaching certificates. The district must assure that the prospective employee holds the required license. If the license should be revoked or suspended or if the holder of the license fails to renew it, the district must notify the Board. Finally, any federal requirements for certification that may be instituted will pre-empt state certification requirements.

- 22. Comment:** The commenter noted that N.J.A.C. 6A:9-5.5 permits district boards of education to assign position titles to teaching staff members that are recognized in the rules. The commenter inquired what would happen to teachers holding certificates that are not included in the alignment with the Core Curriculum Content Standards. **(11)**

**Response:** The department agrees that a grandfather clause is appropriate. The department has proposed that N.J.A.C. 6A:9-9.1(a)5 include a grandfather clause to permit all teachers certified under the current rules to continue to teach those subjects that they are authorized to teach. In addition, business and marketing education teachers will be authorized to teach under standard nine, career education and consumer, family and life skills, and under the vocational-technical career clusters.

- 23. Comment:** The commenter recommended a requirement that the district annually submit to the county office for review a list of any unrecognized titles in use in the district, the date of county office approval and a copy of the county office letter. **(10)**

**Response:** N.J.A.C. 6A:9-5.5(c) requires the county superintendent to review annually all previously unrecognized position titles and to determine whether the district may continue their use.

- 24. Comment:** The commenter believed that the requirement for an examination in physiology, hygiene and substance abuse issues would be better placed in the general section on instructional certificates. **(10)**

**Response:** The department disagrees. It has been placed in N.J.A.C. 6A:9-5.9 because it is a general certification policy. In addition, it may be found in the requirements for certification in other provisions.

25. **Comment:** The commenter believed that N.J.A.C. 6A:9-5.10, which concerns evening school teachers of adult literacy, civics or basic skills, would be better placed in the general section on evening school teachers. **(10)**

**Response:** The department agrees that this provision should not be included and is withdrawing this provision from the proposed regulations.

26. **Comment:** The commenter believed that N.J.A.C. 6A:9-5.16, which concerns certification in reorganized schools, should be placed in the respective principals and teachers sections. **(10)**

**Response:** The department believes this provision is unnecessary and is withdrawing this provision from the proposed regulations.

27. **Comment:** The commenter sought clarification of N.J.A.C. 6A:9-5.17 as to whether the certificate for exchange teachers will be issued by the county superintendent or the State Board of Examiners. **(10)**

**Response:** To offer clarity, the exchange teacher will receive a county substitute certificate issued by the county superintendent on behalf of the State Board of Examiners.

28. **Comment:** The commenter noted that articulation agreements provide a seamless transfer of teacher candidates from community college to four-year institutions. It is necessary for community colleges to offer coursework that mirrors the first two years in teacher preparation at four-year institutions and that meet the required professional development for teachers. Thus, it is necessary to remove the limit currently found in N.J.A.C. 6A:9-5.11(b)3ii of six professional education credits that may be transferred from a community college. **(13)**

**Response:** The department disagrees. In accord with N.J.A.C. 6A:9-10.1(c), students are admitted to a teacher preparation program at the beginning of their junior year. Until then, they should be fulfilling their required coursework in general education, academic major and behavior/social science. Thus, students at community colleges who are limited to six credits in professional education are in essence mirroring the practice of four-year institutions that focus on intensive professional preparation during the last two years of college.

29. **Comment:** The commenter believed that distance learning is a resource tool that may be used to enhance classroom instruction. It should not be used to replace certified teachers. **(11)**

**Response:** The department is withdrawing N.J.A.C. 6A:9-5.18, which concerns distance learning, at this time.

30. **Comment:** The commenter believed that the section on distance learning in public schools should be placed at N.J.A.C. 6A:9-9.2 in the section with other instructional certificates. **(10)**

**Response:** The department disagrees and is withdrawing the provision on distance learning.

31. **Comment:** The commenter disagreed with the proposal currently found in N.J.A.C. 6A:9-5.20, which permits the school administrator to assign any individual to teach computer applications if the individual demonstrates proficiency in current computer programs and their applications. The commenter believed that the course should be taught by appropriately certified business and marketing educators or business and technology teachers, because the ability to teach computer skills is critically important. **(14, 15, 16, 17, 18, 19)**

**Response:** The department agrees that business educators are prepared to teach computer literacy at all grade levels. Business teachers can continue to teach computer applications. However, the department does not agree that a computer science or computer literacy certificate should be created. Because computer technology changes rapidly, a school administrator must be granted flexibility to determine which teaching staff member has the most up-to-date skills and knowledge to teach computer literacy. N.J.A.C. 6A:9-5.20 permits the school administrator to assess the teacher's proficiency and assign teachers to teach basic computer literacy. This permits the districts latitude in assigning teachers for basic computer literacy classes.

32. **Comment:** The commenter asked how a teacher may demonstrate proficiency in computer applications. The commenter asserted that the regulation at N.J.A.C. 6A:9-5.20 is overly broad and will permit administrators to develop their own standards that favor the teachers whom they prefer. **(11, 15)**

**Response:** The department expects that districts will review the preparation of its teachers relative to the specific computer related assignment. The teacher should present the district with evidence of experience and academic preparation for the level of knowledge required for the specific curriculum of the assignment.

The department agrees that the rule is broadly construed and does not believe it should be overly prescriptive. The rule allows districts latitude in light of the continuing evolution of computer literacy. Moreover, districts, in meeting accountability standards for student achievement, will seek the best qualified candidates.

33. **Comment:** The commenter recommended that the term “computer applications” be changed to “computer literacy.” (15)

**Response:** The department agrees with the suggestion. N.J.A.C. 6A:9-5.20 is now renamed “Computer literacy.”

34. **Comment:** The commenter recommended that at N.J.A.C. 6A:9-5.24 all New Jersey teacher preparation programs be required to include training in computer literacy for all prospective teachers. The commenter further recommends that the department provide a list of approved assessments of computer literacy that all prospective teachers must pass in order to receive certification. (15)

**Response:** The department agrees that teachers should have computer literacy and has included the requirement in the standards for teachers. Standard 4 focuses on technology.

35. **Comment:** The commenter believed that the provision at N.J.A.C. 6A:9-5.18 concerning instructors assigned to teach or coach swimming should have been placed at N.J.A.C. 6A:9-9.2 with other instructional certificates. (10)

**Response:** The department agrees. N.J.A.C. 6A:9-5.18 has been amended to address only coaches. Accordingly, it does not belong with instructional certificates.

36. **Comment:** The commenter believed that the provision at N.J.A.C. 6A:9-5.22 concerning physical education personnel should be placed at N.J.A.C. 6A:9-9.2 in the section with other instructional certificates. (10)

**Response:** The department has removed this provision from the code because it contradicts the provision that permits elementary school teachers to teach all subjects.

37. **Comment:** The commenter believed that the provision at N.J.A.C. 6A:9-5.19 concerning athletic personnel should be placed in N.J.A.C. 6A:9-9.2 with other instructional certificates. (10)

**Response:** The department believes that N.J.A.C. 6A:9-5.19 belongs with general certification policies because it addresses the question of whom may be assigned to the position.

## **SUBCHAPTER 6: Types of Certification**

38. **Comment:** The commenter noted that N.J.A.C. 6A:9-6.3 permits emergency certification in areas of shortage. However, N.J.A.C. 6A:9-11.3(p) limits current teachers of special education who hold emergency certification to two additional years of employment after the adoption of the new regulations. The exclusion

will result in inadequate services provided to children with special needs. Additionally, the commenter requested that timelines for the emergency certificates be identified. (1, 3, 5, 10)

**Response:** N.J.A.C. 6A9-6.3 has been amended to limit emergency certificates to educational services certificates. There will be no emergency certification in instructional areas. Furthermore, the proposed regulations now authorize a Certificate of Eligibility (CE) in special education. N.J.A.C. 6A: 9-11.3, which establishes an alternate route for special education, achieves a balance between the need to ameliorate the shortage of fully prepared special education teachers and the requirement that special education students have prepared teachers. Under current practice, many of the holders of an emergency certificate in special education have little or no knowledge of or experience with children with special needs. Under the proposal to eliminate the emergency certificate and to authorize the CE in special education, there is an assurance that all teachers who work with special education students will have first completed some coursework in preparation to teach this specialized population. The department has similarly proposed CEs in bilingual/bicultural education and in English as a second language, which are intended to address the shortage of teachers in these subjects while assuring that the teachers have some preparation in the area before entering the classroom.

The department will identify time limit requirements for emergency certificates at a presentation for the State Board at the June 18, 2003 work session.

39. **Comment:** The commenter objected to the provision in N.J.A.C. 6A:9-6.5(a) that a person teaching under a county substitute certificate is not entitled to any employment benefits, such as pension and tenure, to which a regularly employed teacher is entitled. There is no need for the language concerning pension and tenure, since the law is already clear on those issues. Moreover, there is no legal prohibition against a board of education's providing benefits through board policy or negotiations. (11)

**Response:** This provision was included as a statement of current law, so that all applicants may understand the limited nature of a county substitute certificate. N.J.S.A. 18A:66-2p makes clear that a substitute teacher is not a teacher for pension purposes. In addition, since the Appellate Division ruled in Breitwieser v. State-Operated School District of the City of Jersey City, Hudson County, 286 N.J. Super. 633 (App. Div. 1996) that a teacher may not acquire tenure solely upon service under an emergency certificate, it is obvious that a substitute, who is authorized to serve only on per diem basis, may not achieve tenure. Pursuant to N.J.S.A. 18A:28-5, tenure is granted only to teaching staff members, and substitutes are not included in the statutory definition of teaching staff member found in N.J.S.A. 18A:1-1. Finally, although this provision emphasizes that holders of county substitute certificates are not entitled to accrued benefits, it does



not preclude the receipt of benefits that a board of education elects to provide to them.

- 40. Comment:** The commenter believed that at N.J.A.C. 6A:9-6.5(b) the county superintendent should be able to issue a waiver to the 20-day restriction for substitute teachers when a properly certified teacher is unavailable and a reasonable effort has been made to secure one. **(10)**

**Response:** The department disagrees with the comment. All students are entitled to a fully certified and qualified teacher. Since applicants are eligible for a county substitute certificate with only 60 college credits, they are unprepared to serve as classroom teachers for an extended period of time.

- 41. Comment:** The commenter actively supported the limited certificate for foreign teachers as a way to provide boards of education with the necessary flexibility to hire qualified teachers. **(10)**

**Response:** The department agrees that this provision should provide more flexibility to boards of education.

- 42. Comment:** The commenter noted that N.J.S.A. 18A:26-1 requires teachers from foreign countries to meet the requirements for a provisional instructional certificate and demonstrate the ability to speak, read and write the English language fluently. In addition, unless enrolled with an approved international agency, they are not exempt from declaring their intent to become a U.S. citizen. **(11)**

**Response:** The requirements for the Limited Certificate for Foreign Teachers set forth in N.J.A.C. 6A:9-6.6 mirror the statutory requirements. Moreover, since this certificate is issued only to candidates who are enrolled in a department-approved international agency, candidates for this certificate are not required to declare their intention to become a U.S. citizen.

## **SUBCHAPTER 7: Paraprofessional Approval**

- 43. Comment:** The commenter believed that N.J.A.C. 6A:9-7.1 should address the paraprofessional requirements set forth in the No Child Left Behind Act for districts that are recipients of Title I funds. **(10)**

**Response:** The department disagrees. The sole purpose of the regulation is to establish procedures for approving the utilization of paraprofessionals by a district and not establishing standard qualifications.

## **SUBCHAPTER 8: Requirements for Instructional Certificate**

44. **Comment:** The commenter questioned why mentors as identified at N.J.A.C. 6A:9-8.4(d)1v must be certified in the subject area in which the novice teacher is teaching. (3)

**Response:** Major roles of a mentor are to acquaint the novice teacher to the school climate and, most importantly, to help the first year teacher to become an effective teacher. Support and guidance in instructional methodology is of key importance, particularly in the first critical days in front of the classroom. Oftentimes, a strict one-to-one match of novice teacher to mentor according to subject matter is not feasible. For example, there may be a single art position in a school. In such cases, a mentor in a related subject or discipline can prove effective.

45. **Comment:** The commenter questioned when the mentoring relationship begins between the mentor and the novice teacher. (3)

**Response:** The mentor supports and provides guidance at the start of employment. While it would be advantageous to begin building the relationship during the summer and prior to the start of the school year, oftentimes, the hiring patterns and contractual considerations of districts preclude the ability to do so. Nevertheless, the district mentor plans may incorporate pre-service orientation for mentors and their assigned novice teacher(s).

46. **Comment:** The commenter questioned the requirement at N.J.A.C. 6A:9-8.4(d)1viii that a mentor teacher provide three letters of recommendation from those who are familiar with the mentor teacher applicant's work. The commenter asked if it were a reasonable request. (3, 7)

**Response:** The requirement that there be three letters of recommendations arises, in part, from the need of particularly large districts to acquaint themselves in yet another way with the qualifications of the applicant. The department recommends, however, a change in the language of the proposed rules to permit the district mentor plan to determine the number of recommendations it needs to help make an informed decision. The language at N.J.A.C. 6A: 9-8.4(d)1viii will read as follows:

The teacher provides [three] letters of recommendation as determined by the district mentor plan from those who are familiar with the mentor teacher applicant's work;

47. **Comment:** The commenters stated that the proposed code stipulating that retired teachers should only be used where districts do not have sufficient teachers who meet the criteria set forth in N.J.A.C. 6A:9-8.4(d)li should be revised. The commenter requested that language should be included which ensures that the

utilization of retired teachers/administrators is considered as an equal option for a district to consider in the assignment of mentors. (7, 9)

**Response:** The department contends that the proposed provision should stand. This provision requires the utilization of active teachers in the district who meet the criteria as mentors to serve as mentors unless there are insufficient qualified teachers in the district. The active mentor teacher provides an important on-site support for novice teachers. Active teachers have an understanding of the current school culture, current requirements regarding the curriculum and implementation of the Core Curriculum Content Standards and themselves, benefit in their own professional learning from the mentoring opportunity. National research through the National Staff Development Council indicates that the use of active teachers as mentors in the district is the best option and enhances the creation of a learning community within a school, increasing the reflection on practice of all its teachers.

**48. Comment:** The commenter questioned the mentor plan approval process. (3)

**Response:** N.J.A.C. 6A:9-8.4(c)2 specifies that the mentoring plan, developed by the local professional development committees, is submitted to the district board of education for approval. Once the board has approved the plan, the plan is submitted to the county superintendent who notifies the department of the approval.

**49. Comment:** The commenter favorably acknowledged the data that was provided regarding yearly novice teacher (alternate and traditional routes) registrations into the Provisional Teacher Program. The commenter asked for the department to identify program changes in the proposed rules. (4)

**Response:** The most significant changes in the proposed code regarding both the alternate and traditional route paths to certification are the following:

- The focus on the proposed Professional Standards for Teachers to drive the improvement of instruction in lieu of the Boyer topics.
- The expansion of alternate routes to certification in the areas of special education, English as a Second Language and Bilingual/Bicultural Education and, thereby, eliminating the issuance of emergency licenses in all instructional areas.

**50. Comment:** The commenter expressed concern that the proposed rules for the mentoring period of novice teachers were reduced from two years to one year. (11)

**Response:** The department agrees that mentoring is an invaluable component of a novice teacher's initial experience in the profession. While providing quality

mentoring is essential, retaining the requirement to a two-year experience would engender financial hardships to districts and teachers. Districts, nevertheless, may informally extend the mentoring experience beyond the first year.

- 51. Comment:** The commenter expressed concern that the inclusion of the use of retired teachers/administrators as mentor teachers would dilute the criteria for mentors and, thereby, diminish the effectiveness of the program. **(11)**

**Response:** The department disagrees. The mentor teacher provides support and guidance to the novice teacher in the critical and challenging first year on the job. Moreover, the mentor provides guidance in the ways and means by which to become an effective teacher by familiarizing the new teacher with the culture, curriculum and current practices of the particular school setting and district as a whole. As a result, the first choice for a district mentor would be an active teacher who understands and is dedicated to the role and responsibilities of being a mentor. A retired teacher or administrator with a successful background of experience, however, would be a viable choice for a district, especially in light of the mentor's role to help develop an effective teaching professional. The department, therefore, supports the use of retired professionals realizing the importance of the role and responsibilities of being a mentor and of the need to ensure that all first year teachers receive such support and guidance.

- 52. Comment:** The commenter expressed concern that the novice teacher is responsible for payment of mentoring fees in the event that state funds are unavailable. **(11)**

**Response:** The department's position on this issue is that it is a local decision because it does not impact state or federal requirements. Since the inception of the mentoring requirement for alternate route teachers in 1985 and later in 1993 when virtually all first year teachers received mentoring services, districts have varied in their approach of collecting these fees. Some districts have completely assumed responsibility for payment as an employment incentive. Others have shared in these costs; still other districts have held the novice teacher responsible for payment either through direct payment to the mentor or through incremental deductions from a candidate's salary.

- 53. Comment:** The commenter expressed concern that the proposed rules regarding mentoring limits collective bargaining to "compensation" and "release time" and precludes other issues subject to negotiation. **(10, 11)**

**Response:** The department has determined that levels of compensation and release time are district decisions. The proposed code no longer addresses district responsibilities relative to collective bargaining and has recommended, therefore, the deletion of this reference to collective bargaining.

54. **Comment:** The commenter expressed concern that the requirement in which a certified teacher must be in the classroom with the novice alternate route teacher for the first 20 days before taking full responsibility remains. The commenter is concerned that it is a difficult requirement for districts to follow. The commenter requested that the 20-day requirement be fulfilled prior to assuming full responsibility of the classroom.(22, 25)

**Response:** The department agrees that districts may have difficulties in fulfilling the “20-day” requirement by providing a certified teacher in the classroom for the entire period. It should be noted, however, that this essential pre-service experience that prepares the novice teacher with the skills and knowledge to succeed in the initial teaching experience may be fulfilled in a variety of ways according to the district mentor plan. It may be in joint sponsorship with other educational entities and may be completed prior to the start of the school year. Of paramount importance is that districts insure the novice teacher receives high quality pre-professional support, instruction and experience.

55. **Comment:** The commenter applauded the elimination of the Boyer topics for the instruction of novice teachers at N.J.A.C. 6A:9-8:3(b)4. The commenter is concerned, however, that the professional standards for teachers should focus on both the pedagogy and on successful teaching strategies related to the subject matter expertise of the novice teacher. (22)

**Response:** The department notes that the professional standards for teachers will replace the Boyer topics as the foundation for the curriculum for alternate and traditional route teachers, ensuring that the standards will drive pre-service preparation, certification and professional development. The June, 2003 draft of the certification regulations that delineates the teaching standards is expanded to include indicators in the areas of knowledge, dispositions and performances. Grounded in these professional standards, the licensure system will provide a refinement of the knowledge and skills all teachers should foster at each of the stages of professional development and growth.

56. **Comment:** The commenter stated that the current alternate route formal instruction N.J.A.C. 6:11-5.3(f) is too generic and not beneficial to many vocational teachers. The commenter requested that the department create a more focused instruction that emphasized secondary pedagogy in the context of vocational-technical education for future vocational teachers. (23)

**Response:** The formal instruction for all alternate route teachers will be revised to meet the new teacher standards. The department would welcome district training programs that met specific teacher needs.

57. **Comment:** The commenter wanted clarification regarding the GPA requirement for post-baccalaureate and master’s level teacher preparation programs at N.J.A.C. 6A:9-8.1(a)2. The commenter noted a discrepancy with the GPA

requirements at the undergraduate level at N.J.A.C. 6A:9-10.4(a)(2) for acceptance into graduate programs. (24)

**Response:** The department agrees that there is inconsistency in the rules governing the GPA requirement. The language in N.J.A.C. 6A:9-10.4(a)2 will be revised to read as follows:

For students graduating before September 1, 2004, achieve a 2.50 cumulative GPA where a 4.00 equals an A grade; for students graduating on or after September 1, 2004 achieve a 2.75 cumulative GPA where a 4.00 equals an A grade[, before acceptance into the teacher preparation program. Institutions are authorized to require higher minimum GPAs for entry into a teacher preparation program];

58. **Comment:** The commenter was concerned that early childhood and elementary candidates do not need to have a major, but rather, may major in technical or vocational subjects and need only have 60 credits of general education in the liberal arts and sciences as delineated at N.J.A.C. 6A:9-8.1(a)3 and N.J.A.C. 6A:9-11.1(a)3. (23, 24)

**Response:** The department acknowledges that the proposed code has included many options for the academic major appropriate to elementary and P-3. While the department believes that colleges and universities will choose to require pre-service teachers to complete majors that correspond to the Core Curriculum Content Standards, it also wants to provide parity for post-baccalaureate teacher preparation programs. It has been a department policy for several years to permit alternate route teachers who have completed 60 semester hour credits in liberal arts to fulfill the academic major requirements for both elementary and P-3 certificates of eligibility. The proposed rule codifies this policy and allows its application to all post-baccalaureate teacher preparation programs, both traditional and alternate route.

59. **Comment:** The commenter requested clarification of a “pure science” wherever it occurs in code. (24)

**Response:** The definition of a major in science is provided in the revised code at N.J.A.C. 6A:9-2 as a major in physical or natural science.

## **SUBCHAPTER 9: Instructional Certificates**

60. **Comment:** The commenter asked for clarification about the code language at N.J.A.C. 6A:9- 9-1(a)4 that allows already certified special education teachers to continue to teach if they can demonstrate content knowledge appropriate to the grade level being taught. The commenter questioned to whom the teacher must demonstrate this content knowledge. (9, 36, 37, 41)

**Response:** The department agreed to clarify this provision. The language at N.J.A.C. 6A:9- 9.1(a)4 will be revised as follows:

Teachers with special education certificates issued prior to the effective date of this chapter may continue to teach students with disabilities in grades preschool through grade 12 if they can demonstrate to the district content knowledge appropriate to the content and the content level to be taught.

61. **Comment:** The commenter requested that the code include a grandfather clause to permit teachers holding business and marketing education certificates to continue teaching courses within the Core Curriculum Content Standards that they are authorized to teach under the existing code. (10, 11, 14, 27)

**Response:** The department agrees that a grandfather clause is appropriate. The department has proposed that N.J.A.C. 6A:9-9.1(a)5 include a grandfather clause to permit all teachers certified under the existing rules to continue to teach those subjects that they are authorized to teach. In addition, business and marketing education teachers will be authorized to teach under standard nine, Career education and consumer, family and life skills, and under the vocational-technical career clusters.

62. **Comment:** The commenter stated that the changes in the code will provide some relief for hiring teachers. However, the commenter is concerned that the department needs to create innovative approaches to encourage candidates to prepare to teach in areas of teacher shortage. Those areas were identified as mathematics, science and special education. Several innovative approaches were suggested. (26)

**Response:** The department agrees that innovative methods must be used to attract qualified teachers to New Jersey. The department will seek funds through grant opportunities to be used to develop some of these approaches. However, these suggestions do not require codification.

63. **Comment:** The commenter suggested that the department place more reliance on technology to improve the methods of reviewing credentials and issuing certificates. The commenter also suggested that the staff of the Office of Licensure and Credentials begin to evaluate credentials in a less rigid, rule-dependent manner. (26)

**Response:** The department agrees that there is a need to rethink the business processes in the Office of Licensure and Credentials and to develop a computerized process that will speed the evaluation of credentials and the issuance of certificates. A request for proposal for a teacher certification information system was issued in October 2002. A vendor was chosen in April 2003. The outcome of this process will be a web-based application system that will allow candidates and districts to monitor the progress of a specific

application. District personnel will be able to check certification status of teachers they are interested in hiring. The goal is a two-week turn-around time.

The staff of the Office of Licensure and Credentials is governed by the administrative code. Individual examiners may not evaluate credentials based on anything but the code requirements. However, the State Board of Examiners is authorized to use the collective expertise of its members to make those individual assessments that the commenter is requesting. The proposed code does not limit this option for any candidate.

- 64. Comment:** The commenter expressed concern about adding science certificates at N.J.A.C. 6A:9-9.2(a)(s) and a middle grades certificate at N.J.A.C. 6A:9-9.2(b)3 that will make the district's job of recruiting new teachers more difficult. **(26)**

**Response:** The department created separate certificates for teachers of physics and of chemistry to assist districts in hiring science teachers. The department has not proposed the elimination of the physical science certificate. Many candidates are well-prepared in only one of these disciplines. These additional certificates will allow districts to hire candidates in these subjects.

The elementary school with subject matter specialization certificate has been proposed to meet the needs of districts to hire teachers at the middle school level with expertise in the content area without the extent of preparation required of high school teachers. This certificate will allow New Jersey students in the middle grades to be taught by teachers prepared to teach content at the middle school level. This certificate will also enable districts to hire new middle school teachers that meet the No Child Left Behind highly qualified definition.

- 65. Comment:** The commenter applauded the proposed technology education certificate at N.J.A.C. 6A:9-9.2(a)8. However, guidelines for certified industrial arts teachers to earn the new technology education should be included in the code. Several suggestions for guidelines were suggested. **(10, 15, 28, 29, 102)**

**Response:** The department agrees that the code should include guidelines for industrial arts teachers who want to become certified technology education teachers. The proposed code at N.J.A.C. 6A:9-11.13 provides two options. Additional options will be included. The proposed changes at N.J.A.C. 6A:9-11.13(c) are as follows:

- (c) Holders of New Jersey industrial arts certificates that have not completed technology education programs shall be eligible to be issued the technology education certificate upon completing the test requirement and one of the following:
1. A Department-approved program in technology education;
  2. Six graduate level credits in technology education;



3. Fifty hours of professional development in technology education from state-approved providers; or
4. Three years of experience teaching technology education as certified by the district chief school administrator.

**66. Comment:** The commenter requested that the family and consumer sciences certificate be included in the proposed code. Although standard nine, Career Education and Consumer, Family and Life Skills, has been included as a Core Curriculum Content Standards and is before the State Board of Education, the family and consumer sciences certificate, formerly home economics, does not appear. **(30 - 36)**

**Response:** The department acknowledges that the family and consumer sciences certificate does not appear in the proposed code. The department recognizes the importance of certified family and consumer science teachers. Although the certificate is not individually identified, this certificate, as many other certificates, is subsumed under the career clusters. This certificate would be valid to teach under the Career Education and Consumer, Family and Life Skills standard and in approved vocational-technical education programs. The primary cluster under which this certificate falls is human services. However, holders of this certificate would be authorized content included in other career clusters.

**67. Comment:** The commenter expressed concern that the proposed code does not include authorizations for business education teachers. There is a need for business education teachers in New Jersey to continue to teach the 11 business-related content areas that are taught in our schools. In addition, the commenter recommends that addition of a computer applications and computer science certificates. **(37)**

**Response:** The department acknowledges that the business certificates do not appear in the proposed code. The department also acknowledges the need for certified business teachers. Although not individually identified, these certificates are subsumed under the career clusters. Business education certificates will fall under several career clusters under standard nine and under clusters in approved vocational-technical education programs. There will be a crosswalk of business certificates to the various career clusters in the Office of Licensure and Credentials. This crosswalk will provide the details of the individual certificates and the clusters under which they fall.

The department agrees that business educators are prepared to teach computer applications at all grade levels. Business teachers can continue to teach computer applications. However, the department does not agree that a computer science or computer literacy certificate should be created. N.J.A.C. 6A:9-5.24 permits the school administrator to assess that teacher's proficiency and assign teachers to teach basic computer literacy. This permits the districts latitude in assigning teachers for basic computer literacy classes.

68. **Comment:** The commenter agreed that using the 16 career clusters is a reasonable a reasonable approach to organizing the vocational-technical teaching certificates. It is too cumbersome to list each certificate by name under the appropriate career cluster. However, it is important for purposes of seniority and bumping rights that each vocational-technical certificate be incorporated under the appropriate career cluster by reference. The commenter also recommended that the subcategories under the career clusters be eliminated from the code language. (22, 23)

**Response:** The department agrees with the commenter. In the revised proposed code presented to the State Board at the June 4, 2003 meeting the subcategories have been eliminated and a reference has been made to a crosswalk between specific vocational-technical certificates will be available in the Office of Licensure and Credentials. The staff of the Office is continuing to work with a focus group of stakeholders in developing the crosswalk.

69. **Comment:** The commenter stated that elementary school certificates must continue to allow the holder to teach in grades kindergarten through eight and that existing elementary certificates remain valid for grades kindergarten through eight. (11, 38, 39)

**Response:** The department will adhere to the requirements and has included a grandfathering of already certified elementary school teachers to continue to be authorized to teach in grades kindergarten through eight if they can demonstrate to the district that they meet the No Child Left Behind definition of a highly qualified teacher.

70. **Comment:** The commenter proposed a certification breakdown for grades preschool through eight that would include a preschool through kindergarten, first grade through five and grade five through eight certificates. These grade groupings recognize the different developmental needs and special pedagogical and subject matter knowledge teachers need. The commenter also believed that the middle school grades teacher needs more than 15 credits in a content area and more that study in early adolescent psychology to be properly prepared to teach middle grades students. (24, 25, 41)

**Response:** The department disagrees with the commenter's suggestions for preschool through eight certification. The department believes the certification breakdown in the proposed code provides appropriate grade levels and allows more flexibility to school districts in assigning teachers.

71. **Comment:** The commenter requested that the teacher of adult literacy certificate be deleted from the code until the State Council for Adult Literacy has sufficient time to study the implications of the proposal and to make recommendations to the State Board. In addition, the State is in the process of transferring authority

for many adult education programs to the Department of Labor (DOL). Time is needed to study the impact of this transfer of oversight before certification requirements are decided. The DOL wants to consult with the department in the development of appropriate adult education licensing requirements in the future. (40)

**Response:** The department has removed the Teacher of Adult Literacy from the revised code language that was presented to the State Board of Education at the June 4, 2003 board meeting.

72. **Comment:** The commenter supported the proposed requirements for world language teachers at N.J.A.C. 6A:9- 11.10 and the elimination of conditional certification. The commenter stated that it is critical that world language teachers demonstrate competency in the language to be taught through a nationally recognized department-approved test. (10, 41)

**Response:** The department agrees. In Subchapter 11, Exceptions to the Requirements for the Instructional Certificate, at N.J.A.C. 6A:9-11.10, all teachers who are teaching a world language must demonstrate appropriate language proficiency in addition to the academic preparation requirements.

73. **Comment:** The commenter stated that a technology education certificate should be developed. (10)

**Response:** The department agrees. A technology education certificate has been created at N.J.A.C. 6A:9- 9.2(b)i.

74. **Comment:** The commenter supported the continued inclusion of the Preschool through Grade 3 certificate because teachers of young children need age-appropriate preparation. (10)

**Response:** The department appreciates the commenter's support.

75. **Comment:** The commenter stated that the proposed new certificates in the Visual Performing Arts standards are not necessary and will inhibit administrative flexibility. (41)

**Response:** The department disagrees. The department is not restricting the authorization of existing certificates but is providing a source of teacher candidates with in-depth preparation in the specific performing art. The district has the flexibility to hire the teacher who best meets the district's needs.

76. **Comment:** The commenter stated that the language at N.J.A.C. 6A:9- 9.2(b) is misleading and may encourage teachers to assume that they are responsible for some groups of students but not others. For example, a teacher with an elementary school certificate will likely teach children from a variety of

populations, including students with disabilities. The proposed language should identify the populations to be taught under these certificates more broadly. The commenter suggested that the language read as follows:

“The teaching certificates below authorize the holder to teach specific populations, subjects, ages and/or grade levels.” (43)

**Response:** The department agrees with the commenter. The proposed code language at N.J.A.C. 6A:9- 9.2(b) will be revised as recommended.

## **SUBCHAPTER 10: Standards for New Jersey Educator Preparation Programs in Higher Education**

77. **Comment:** The commenter recommended that N.J.A.C. 6A:9-10 regarding the curriculum of approved teacher preparation programs be revised to include at least one course in special education and that semester credit hours are clarified. (3, 43)

**Response:** The department agrees. N.J.A.C. 6A:9-10.2(a)4 has added language requiring that all students study special education as part of their over-all program. The department will also provide further explanation of the semester credit hours at a presentation for the State Board at the June 18, 2003 work session.

78. **Comment:** The commenter said that it should be the responsibility of the Department of Education to approve teacher education programs. (10)

**Response:** The department agrees. The State Board of Education is responsible for the approval of teacher preparation programs. Subchapter N.J.A.C. 6A:9-10 provides the criteria by which the State Board of Education shall approve these programs. The proposed criteria includes compliance with the State Professional Standards established in N.J.A.C. 6A:9-3.3 and 3.4, accreditation by a national accrediting body and a series of program approval requirements as specified in N.J.A.C. 6A:9-10.1(b).

79. **Comment:** The commenter believes that the teacher preparation programs should include instruction in conflict resolution and diversity sensitivity as well as the needs of students eligible for special education. (10)

**Response:** The department agrees. The proposed Standards for Teachers in N.J.A.C. 6A:9-3.3 reflect these need areas in the competencies expected of teachers. These standards will form the basis of higher education curriculum for teacher preparation. Standard Two specifies that teachers need to be able to identify and teach to the developmental abilities of students, which may include learning differences, visual and perceptual differences, special physical or

emotional challenges and gifted and talented exceptions. Standard Seven deals with the teacher's ability to deal with the special needs of students. Standard Six deals with the need for teachers to promote positive behaviors for all students. In addition, the regulations now specify that all teacher education students must study special education.

- 80. Comment:** The commenters said that prescribing specific credit requirements that the candidates must take as part of the curriculum of a higher education teacher education program is incompatible with a standards-based approach to teacher education. The commenters stated that the regulations should delineate instead the competencies a teacher needs in critical program areas and university programs should be held accountable for helping students achieve these competencies. **(24, 25)**

**Response:** The department agrees with the commenters' position that teacher education programs should be standards-based, and that higher education institutions should be held accountable for supporting teacher candidates' efforts to gain competencies delineated in the standards for teachers. It is the goal of the department to move from credit requirements to holding college programs accountable for candidate proficiency in meeting the standards. However, there must be time given for teacher preparation programs to transition to a standards-based program and the requirement for national accreditation. During that transition, the credit allocation provides needed guidance for programs.

- 81. Comment:** The commenters questioned the need for state program approval standards for teacher preparation programs as the proposed regulations will mandate national accreditation for all teacher preparation programs. **(24, 25)**

**Response:** The department has included program approval standards in the regulations in order to assure that all teacher education programs, whether approved by NCATE, TEAC or another accrediting agency approved by the Commissioner, utilize the same standards for accreditation.

- 82. Comment:** The commenter recommends that the program approval standards for teacher education programs should also be used as the basis of alternate route training programs. **(24)**

**Response:** The department agrees with this commenter that there needs to be program standards for the alternate route as well as for higher education teacher education programs. Program standards have been added to N.J.A.C. 6A:9-8.3(c). These standards parallel the requirements specified for the teacher education programs.

## **SUBCHAPTER 11: Exceptions to Requirements for the Instructional Certificate**

- 83. Comment:** The commenter asked for information about the dual content major that is proposed for elementary school teachers with subject matter preparation. This will prepare teachers to teach core content in the middle grades. However, what will the impact be on current middle school teachers? How will this affect alternate route teachers? **(2, 5)**

**Response:** The department believes that the new certificate and the academic preparation required will enable new teachers teaching in the middle grades to have the necessary academic background needed in these grades. Current elementary school teachers teaching at the middle school level will maintain their authorization to teach in grades six through eight. The proposed certification code grandfathered these teachers. However, the No Child Left Behind Act (NCLB) requires that all teachers be highly qualified to teach the content and grade level to which they are assigned. Therefore, although these teachers maintain the authority to teach in the middle grades, they must be able to demonstrate content proficiency. The department is currently developing New Jersey's high objective uniform state standard of evaluation (HOUSE) that will enable teachers who cannot meet the NCLB definition of highly qualified through academic preparation or testing to meet the definition through the HOUSE standard.

New Alternate Route teachers who wish to teach at the middle school level will be required to complete the necessary academic preparation and test requirement. Many alternate route teachers have, in addition to the academic major, academic minors that would allow them to obtain the specialization certificate.

- 84. Comment:** The commenter requested that a single liberal arts major that matches one of the content standards be accepted as an appropriate major for the elementary school with subject matter specialization. **(25)**

**Response:** The department acknowledges the commenter's concern. However, a candidate with a major in one of the content standards would be eligible for the subject field certificate and be authorized to teach the subject at any grade level.

- 85. Comment:** The commenter requested clarification of the test requirement for the elementary school with subject matter specialization certificate. **(25)**

**Response:** The department is in the process of reviewing test specifications for the Praxis II middle school content knowledge tests.

- 86. Comment:** The commenter recommended that the content study in the visual and performing arts standard be limited to two of the content areas within this standard, not in the five content areas listed. **(25)**

**Response:** The department agrees with the commenter. The proposed code language presented to the State Board of Education at the board's June 4, 2003 meeting provides the flexibility that the commenter has requested.

87. **Comment:** The commenter noted that N.J.A.C. 6A:9-6.3 authorizes the issuance of emergency certification in areas of teacher shortage. This implies that emergency special education certificates can be issued. However, N.J.A.C. 6A:9-11.3 does not allow issuance of emergency certification for special education. The commenter asked for clarification of this issue. (10, 20)

**Response:** The department agrees that the two code citations are in conflict. The revised code language presented to the State Board of Education at the board's June 4, 2003 meeting corrects this discrepancy. N.J.A.C. 6A:9- 6.3 limits that issuance of emergency certificates to educational services areas.

88. **Comment:** The commenter supported the provision at N.J.A.C. 6A:9- 11.3(p) to allow teachers working under emergency special education certification to continue under the emergency certification. However, the commenter questioned the two year limit to complete certification requirements for these teachers. The commenter inferred that this would not be sufficient time. (10, 46)

**Response:** The department appreciates the support. The department disagrees that additional time be permitted to complete the requirements. The department code must comply with the mandates of No Child Left Behind (NCLB) requiring that by June 2006, no teachers will be working under emergency certification. The department publicized the proposed code requirements in March 2003. In effect, the NCLB Act and the proposed code requirements give teachers working under emergency certification fair notice that they must obtain standard certification no later than June 2006.

89. **Comment:** The commenter noted that all teachers should complete appropriate study that would prepare them to understand the nature and needs of student eligible for special education and related services. The commenter also stated that all currently certified teachers should be required to participate in in-service programs related to students with disabilities and special education programs. (10)

**Response:** The department agrees that all pre-service teachers should complete a program component in special education. Future professional preparation programs will be developed based on the new professional standards for teachers that are identified in N.J.A.C. 6A:9-3.3. Specifically, standard seven requires teachers to be prepared to adapt and modify instruction to accommodate the special learning needs of all students. Further, study in special education is specifically mandated in N.J.A.C. 6A:9-10.2(a)4. The code language reads as follows:

A minimum of 30 semester hour credits of instruction devoted to professional preparation. [A minimum of nine credits] Study must be devoted to [study in] the behavioral/social sciences and the teaching of [reading] literacy, numeracy and special education, and may be included in the professional or liberal arts components of the program. The professional component of the undergraduate program shall be aligned with the Professional Standards for Teachers as specified in N.J.A.C. 6A:9-3.3 and shall provide students, normally beginning in the sophomore year, with practical experiences in an elementary or secondary school setting; these opportunities shall increase in intensity and duration as the student advances through the program and culminate with a student teaching experience;

The department also agrees that already certified teachers should complete professional development experiences that will provide the knowledge and skills needed to accommodate the instructional educational needs of student with disabilities who will be in their classrooms. The recommendation will be forwarded to the New Jersey Professional Teaching Standards Board.

90. **Comment:** The commenter stated that although it is important that special education teachers be grounded in specific content, the 30 credit minimum is not necessary. The commenter recommended that special education teachers be required to complete an 18 credit coherent sequence of courses in a specific content field. (20, 41, 42, 46)

**Response:** The department agrees that it is important that a special education teacher have subject matter knowledge in the content area(s) and at the grade level(s) to be taught. Students with disabilities must receive content instruction by a teacher qualified to provide that level of instruction. Therefore, in the revised code language presented to the State Board of Education at the board's June 4, 2003 meeting, the department has proposed requiring that all new special education teachers hold a content or grade level certificate as one of the eligibility requirements for special education certification. The department believes that programs can be developed in our teacher preparation institutions that can prepare a special education teacher to teach the Core Curriculum Content Standards at the elementary level and two content areas at the middle grades level. These dual content majors will prepare new special education teachers to meet the NCLB requirements and, more importantly, prepare special education teachers to provide content instruction appropriate for the grade level to students with disabilities

91. **Comment:** The commenter opposed the creation of an alternate route for special education teachers. The commenter stated that the unique knowledge and skill needed by a special education teacher cannot be included in an alternate route. (41)

**Response:** The department agrees that the special education pedagogy is distinctly different from the generic pedagogy completed by most other teachers.



However, the department has proposed that a teacher who is completing the alternate route in special education would be required to complete not only the generic pedagogy required of all teachers, but also the program requirements in special education pedagogy in a college teacher preparation program. Alternate route candidates will be required to complete a minimum of six of the 24 credits required in such a program to receive a Certificate of Eligibility.

The department believes this avenue will allow districts an option for hiring teachers for special education vacancies when emergency certification is no longer available. It also assures that these alternate route teachers will have content specialization and some minimal academic preparation in the specialized field of special education. Under the existing code, emergency certificates are being issued to candidates with no preparation. An average of 1550 teachers work under special education emergency certification each year.

- 92. Comment:** The commenter stated that the elimination of emergency certification for special education teachers will create a hardship for private special education schools that provide educational services for district students who cannot be accommodated in in-district programs. There is a shortage of special education teachers. The commenter recommended that the county superintendent be authorized to declare shortages in certain areas and approve the issuance of emergency certification in those declared areas until the shortage subsides. **(44, 45, 46)**

**Response:** The department agrees that there is a shortage of special education teachers as indicated by the number of teachers employed each year under emergency certification. However, the department has been directed by the State Board of Education and by the mandates of NCLB to eliminate emergency certification in all instructional areas.

However, as in the past when emergency certificates were issued, the department has proposed the creation of an alternate route to special education certification. The department believes that this measure will provide a source of teachers who will be eligible to teach a specific content or grade level and will have completed at least six credits in special education pedagogy as a condition of obtaining the needed Certificate of Eligibility.

- 93. Comment:** The commenter acknowledged strong support for creation of an alternate route for special education certification. The commenter agreed that this route would expand the pool of teacher candidates and ensure entry-level preparation. The commenter also supported that change in the name of the certificate from “teacher of the handicapped” to “teacher of students with disabilities.” **(42)**

**Response:** The department appreciates the commenter’s support.

- 94. Comment:** The commenter is opposed to limiting the authorization of special education teachers to teaching elementary content areas as defined by the student's IEP. This limitation would preclude the special education teacher from teaching middle and high school level content. The commenter does not believe it is feasible to require subject area certification for all programs serving severely disabled middle and secondary students. Many students with multiple disabilities, autism, behavioral disorders and severe cognitive and physical impairments are best-served in small, self-contained classrooms with a special education teacher and one or more aides. Requiring several teachers with different specializations would be detrimental to these students. **(20, 42, 46)**

**Response:** The department agrees that the initial proposed code language would restrict the special education teacher to teaching students whose IEP's indicated that the students needed instruction at the elementary school level. The revised code language presented to the State Board of Education at the board's June 4, 2003 meeting would require that the special education teachers be eligible for a content or grade level certificate as a condition of eligibility for the special education Certificate of Eligibility.

The department understands the difficulties the proposed regulations may pose for special education facilities that provide educational services for severely disabled students that cannot be accommodated by in-district programs. However, the department's belief, and the mandate of NCLB, that all students should be taught by teachers who are highly qualified in the content areas and grade levels at which each student is capable of learning supercede these concerns. A severely disabled student that can learn geometry at a high school level is entitled to receive instruction from a teacher who has the knowledge and skills in geometry to provide that instruction.

The department has included the creation of an alternate route for special education teachers that will provide a larger pool of eligible candidates from which to draw.

- 95. Comment:** The commenter stated that the proposed regulations for special education teachers are contradictory to the trust parents have placed in the existing certification system. **(20)**

**Response:** The department disagrees with the commenter. Focus groups were held with parents of students with disabilities. The primary request from these parents was that the teachers teaching their children have content area expertise so that these children would not be educationally deprived.

- 96. Comment:** The commenter stated that the new rules would negatively affect already certified special education teacher in the limited time before the rules become effective. **(20, 46)**

**Response:** The department disagrees. A grandfather clause has been included in the revised code language presented to the State Board of Education at the board's June 4, 2003 meeting that allows already certified special education teachers to continue to teach in any content or at any grade level if the teacher can demonstrate to the district that he or she meets the NCLB definition of the highly qualified teacher. These teachers have until June 2006 to satisfy this requirement. There are several ways the teacher can demonstrate that he or she is highly qualified, including the New Jersey HOUSE standard that should be available to districts in Fall 2003.

97. **Comment:** The commenter suggested that the department set appropriate requirements for teachers with the most severely disabled out-of-district students. The department should explore the option of NCLB exceptions with the federal government for these teachers. (20)

**Response:** The NCLB requirements do not allow for exceptions to this provision. The department also remains committed to assuring that all students receive appropriate instruction from highly qualified teachers.

98. **Comment:** The commenter asked that the timeframe to demonstrate "highly qualified" be extended for special education teachers in order that excellent teachers and their students are not negatively affected. (20)

**Response:** The department is waiting for the reauthorization of the Individuals with Disabilities Education Act (IDEA) to learn of any extensions for special education teachers to meet the NCLB highly qualified definition. The department is not opposed to extending the timeline if the federal government approves it. However, this has no impact on the proposed code.

99. **Comment:** The commenter supported the requirements for bilingual and English as a second language (ESL) teachers at N.J.A.C. 6A:9-11.4 and 5. However, the commenter stated that a minimum number of credit hours in the specialized pedagogy should be identified for the bilingual certificate to correspond with the regulations governing ESL teachers. (41)

**Response:** The department agrees with the commenter. The language at N.J.A.C. 6A:9-11.4(e)2 will be revised to read as follows:

A New Jersey approved college program that includes a minimum of 12 credit hours of formal instruction in the following topics:

100. **Comment:** The commenter supported the creation of certificates in chemistry and physics but opposed requiring a total of 45 credits in physics and chemistry for the physical science certificate. The commenter suggested that any increase in

content knowledge for the physical science teacher could be obtained through professional development. (41)

**Response:** The department appreciates the support for the creation of the physics and chemistry certificates. However, the department disagrees that the increase in content preparation for new physical science teachers is inappropriate. The current certificate requires only two semesters of study in either physics or chemistry if the candidate has majored in one or the other subject. A year of general study in either discipline does not adequately prepare the candidate to teach physics or chemistry.

Study of test results indicate that teachers who majored in one of the subjects and have only a year of study in the other discipline often cannot pass the content test. Our qualifying scores for the chemistry and the physics test are the lowest in the country because ours is the only state that issues a physical science certificate that allows the holder to teach physics and chemistry. If new teachers are to pass the tests when the qualifying scores are increased, additional study in the disciplines will be necessary.

This requirement does not affect already certified physical science teachers.

## **SUBCHAPTER 12. Requirements for Administrative Certification**

- 101. Comment:** The commenters supported the proposed requirement for School Business Administrator certification that allows either a master's degree or the possession of a certified public accountants license. The commenters point out that as of July 1, 2000, the requirements for a New Jersey CPA license are 150 hours of education including a bachelor's or higher degree, passing the CPA examination and one year of practical public accounting experience under the direction of a licensed individual. Additionally, it is noted that CPA's are required to obtain 120 professional development credits every three years in order to retain their license. Two commenters further recommended that the proposed required master's degree should be in Business Administration, Accounting, Management or equivalent. (47, 48, 49, 50, 51)

**Response:** The department appreciates the argument posed by the commenters and agrees that the level of preparation for the CPA license approximates the attainment of a master's degree. While the department understands the commenters' view on the specificity of the master's degree, it believes that such a requirement would greatly shrink the available pool of candidates that may already be reduced by increasing the requirement from a bachelor's degree to a master's degree. The department will continue to review this master's degree requirement in future changes to the licensing code.

- 102. Comment:** The commenters recommended that a master's degree should be considered a necessity for school business administrator certification and further

recommended that the degree should be in an area related to administration and/or finance, or that additional credits should be required if the degree is in another field.

The commenters recommended that the 135 clock hours of formal instruction required prior to or during the residency of School Business Administrators, be increased by 10-15 instructional hours to accommodate study of the CCCS and professional standards for administrators.

The commenters did not support the use of a Certified Public Accountant (CPA) license in lieu of a master's degree, and argued that no other administrative certificate allows substitutions for the degree.

The commenters further believed that a certificate entitled "Assistant Superintendent for Business Administration" that would require a master's degree and five years of experience be added to the proposed code to add a new level of professionalism.

The commenters endorse a mandatory grandfathering provision for current holders of a School Business Administrator certificate **(52,53,54)**

**Response:** The department agrees with the commenters and has proposed a master's degree requirement for school business administrators thus raising the academic requirement to the level of other administrative certificates. To ensure appropriate preparation, the department has listed areas of study that must be included in the degree, or completed prior to receiving a certificate of eligibility.

Alternative ways of preparing administrators have been present in state regulations since 1989 and are currently being expanded in the proposed code for school administrators and principals. The department believes that the preparation for becoming licensed as a CPA and retaining that license, approximates a master's degree and provides an alternative preparation for school business administration.

The department agrees that the formal instruction should be increased to 145 hours to accommodate the need for school business administrator candidates to become fully knowledgeable about the CCCS, the professional standards for teachers and school leaders, and how fiscal resources and district educational goals and programs influence each other.

- 103. Comment:** The commenter believed that the proposed requirements for school business administrators should include training in skills required by building and district administration as well as a field practicum prior to certification.

The commenter further believed that the requirement degree or CPA licensure may create a shortage of qualified business administrator and drive up costs for districts. **(10)**

**Response:** The department agrees that study, training and practice in administration are necessary for school business administrators. Both required study and a required mentor-directed residency support the commenter's recommendation.

The department agrees that employment of educated and highly skilled professionals is a cost consideration to districts; however, the expense of employing individuals less qualified to administer the financial concerns of the district can be an even greater expense.

- 104. Comment:** The commenter strongly supported the development of an integrated, standards-based system for the preparation, induction and ongoing professional development of school leaders. The commenter recommends raising the standards to add a new standard on the effective use of technology. **(20)**

**Response:** The department agrees that the standards-based system is essential to the life-time development of school leaders. The standards in the proposed code are the recommendation of the State Action for Educational Leadership Project, a consortium of major state stakeholders. It was the consortium's decision to recommend the Interstate Leaders Licensure Consortium (ISLLC) standards without any additional standard.

- 105. Comment:** The commenter recommended multiple and diverse pathways for candidates to achieve principal and school administrator certification. **(20)**

**Response:** The department agrees and has added language in N.J.A.C. 6A 9-12.5 (k) and (l) and N.J.A.C. 6A 9-12.4(a)iv that will expand the alternatives to principal certification.

- 106. Comment:** The commenter noted that the requirement of an advisory panel in N.J.A.C. 6A:9-12.5(e) is redundant in light of the proposal for school administration to consult with a peer review panel. **(20)**

**Response:** The department disagrees. The advisory panel that is formed by the mentor during a candidates' residency serves as a consultant to the mentor concerning the certification of the candidate. The peer review panel relates to professional development of an administrator after certification.

- 107. Comment:** The commenter noted that currently, school administrators and business managers working in approved private schools, may not attain certification by completing a mentor-directed residency while so employed. The

commenter recommends that language should be added to the proposed code that allows individuals to complete the certification requirement while employed in “approved private schools for the disabled.” (24)

**Response:** The department disagrees. There is good reason for the proposed code for school administrators and school business administration specifying that residencies occur only in public school districts. There is consistency in the responsibilities of school superintendents and public school business administrators as formulated in regulation. The consistency provides an environment in which candidates similarly learn and practice their profession under the direction of a state approved mentor. The state has little direct oversight over schools that are privately owned and administered, though approved for offering services to children. The very nature of these private schools precludes sameness, consistency, and comparison with the public school system.

- 108. Comment:** The commenter endorsed the change in the proposed code that will allow post-master’s degree preparation for school administrators and principals. The commenter believed that the programs should be standards-based rather than prescribing topics. (38)

**Response:** The department appreciates the support of the commenter regarding the alternative pathways to certification for school leaders. The programs as proposed are standards-based, but the department agrees the language should be more strongly stated. It will be changed as follows:

N.J.A.C. 6A:9-12.5 (j)2i

Preparation for educational leadership through [an understanding of the] experiences related to the performance-based Professional Standards for School Leaders and the [Core Curriculum Content Standards] CCCS;

- 109. Comment:** The commenter believed that the current assessment center requirement for school principal certification is valuable and should be retained. While acknowledging the challenges related to the timing of the process and the use of the resulting assessment report, the commenter noted that the assessment process provides real world feedback to principal candidates through a series of practical scenarios and applications. (55)

**Response:** The department agrees with the commenter regarding both the value of the assessment and the challenges associated with its administration. However, the department continues to support the elimination of this requirement based on the challenges noted by the commenter, as well as the cost of the assessment to the candidate, averaging \$1200 per person. The new written examination, which is based on the Professional Standards for School Leaders, is more expensive than the current PRAXIS for administrators and will increase the cost for candidates.

It is especially important to recognize that the current assessment of performance is not aligned with the Professional Standards for School Leaders.

- 110. Comment:** The commenter was concerned that the professional standards for school leaders are not adequately addressed in the proposed code language for school administrators and principals. The commenter further pointed out that school administrators and principals whose preparation is in fields other than educational administration may not be exposed to the wider array of skills, knowledge, and dispositions that are included in the standards. **(55)**

**Response:** The professional standards for school leaders are now included in their entirety in the newest version of proposed code. School administrators and principals, whatever their academic preparation, will have the opportunity to become immersed in the standards as part of that academic preparation, or during the required mentor-directed residency.

- 111. Comment:** The commenter noted that the language in N.J.A.C. 6A:9-12.6 for supervisors is not clear and recommends a change in language. **(55)**

**Response:** The department agrees and will change the language in 6A:9-12.6(a) as follows:

3[iii] Hold a standard New Jersey instructional or educational services certificate or its out-of-[s]State equivalent, and complete three years of successful, full-time teaching experience under the appropriate certificate.

### **SUBCHAPTER 13: Requirements for Educational Services Certification**

- 112. Comment:** The commenter asked for more information about the employment of school psychologist externs in school districts and the issuance of emergency certificates to these candidates as cited at N.J.A.C. 6A:9- 13.9(d). The commenter questioned the rationale for allowing the county superintendent of schools to approve both the externship and the issuance of the emergency certificate. The commenter also expressed concern about permitting emergency certification in this critical area. **(7)**

**Response:** The department has included the provision for completion of the school-based portion of the externship under emergency certification because many clinical psychologists who are interested in providing psychological services to school districts have not completed the requisite number of hours in a school setting. The clinical practicas that these candidates have already completed do not include a school-based experience. While these candidates have extensive backgrounds in both psychological testing and therapeutic interventions, they are not eligible for the certificate without the school-based



experience. The code provision is at N.J.A.C. 6A:9-13-9(d). This provision is a long-standing practice that has been effective in attracting qualified professionals to school districts. The county superintendent has the authority to approve all requests for emergency certification as stipulated at N.J.A.C. 6A:9-6.3. The county superintendent is the recognized expert in determining that the planned externship will fulfill the certification requirements.

The department has included the provision for emergency certification to other candidates for school psychology candidates when a district can demonstrate that it cannot find a suitable certified candidate for a school psychologist position. This is in recognition of the fact that annually approximately 70 emergency certificates are issued to school psychologists. However, the department has included rigorous conditions for issuing the emergency certificate. Under the existing code, there are no requirements that the candidate has completed any academic preparation in testing, counseling, education of students with disabilities or human and behavioral development. There have been numerous requests from districts to issue emergency certificates to candidates with limited to no appropriate preparation. The proposed code requires that the candidate be in the process of completing certification requirements and have already completed at least 40 applicable graduate credits and have some practicum experience. This will protect New Jersey students from unprepared practitioners.

- 113. Comment:** The commenter asked the department to weigh all requirements that are proposed in this code based on the ability of each specific requirement to add value to the educational process. The commenter is concerned that the code should not be overly regulatory unnecessarily. It is important to remember that school administrators, principals and teachers must understand the certification requirements and be able to implement them. **(6)**

**Response:** The department agrees with the commenter. Every attempt has been made to eliminate requirements that restricted the ability of highly qualified professionals to obtain New Jersey certification. Requirements that have prevented educational professionals from other states to become New Jersey professional educators have been eliminated. The addition of a certificate for a School Nurse/Non-Instructional resulted from the need of districts to hire appropriately prepared school nurses who would not be assigned to teach health in the district. The Speech-language Specialist certificate requirements have been revised to enable state-licensed clinicians to provide these services to districts. The department believes that the proposed code is not overly regulatory.

- 114. Comment:** The commenter expressed agreement with many of the changes in the educational services certificates. The commenter made specific references to the counselor, school psychologist and school nurse/non instructional requirements. The commenter agrees that these changes will improve education and provide districts the necessary latitude to provide these needed services. **(8)**

**Response:** The department thanks the commenter for his remarks.

- 115. Comment:** The commenter endorsed the stipulation at N.J.A.C. 6A:9- 13.2(a) that the Substance Awareness Coordinator (SAC) position is separate and distinct from any other district position. However, the commenter stated that the SAC certification does not need an option for a Certificate of Eligibility (CE). The commenter requested that the CE option be deleted from the code. **(56)**

**Response:** The department appreciates the support for the inclusion of code language that clearly differentiates the SAC position from any other district position. The department does not agree that the CE is unnecessary and minimizes the importance of the SAC certificate. Many professional educators have achieved standard SAC certification through the completion of the SAC residency and concurrent coursework. This has been a successful option and should be continued.

- 116. Comment:** The commenter noted that the proposed code restricts the SAC CE to already certified school professionals. The commenter is opposed to the inclusion of learning disabilities teacher-consultants in the list of approved school professionals. Unlike the other professionals, the learning disabilities teacher-consultant certificate does not have a counseling component or a medical component as one of its requirements. **(56)**

**Response:** The department agrees with the commenter. The learning disabilities teacher-consultant will be eliminated from the list of approved school professionals.

- 117. Comment:** The commenter stated that neither the licensed certified alcohol and drug counselor nor the certified prevention specialist are prepared to function in the unique school environment. The commenter does not believe that these credentials provide adequate preparation for the SAC CE. **(56)**

**Response:** The department agrees that these professionals need additional preparation in order to perform successfully in the school setting. Consequently, these candidates will be required to complete study in those aspects of the approved preparation programs that provide the needed background in educational environments prior to issuance of the SAC CE.

- 118. Comment:** The commenter thanked the department for including the recommendations of the New Jersey School Nurses Association in the requirements for the School Nurse certificate at N.J.A.C. 6A:9- 13.3. These requirements bring the school nurse practitioner into the 21<sup>st</sup> century. **(88)**

**Response:** The department appreciates that association's thanks and also its willingness to assist in the development of the regulations.

- 119. Comment:** The commenter requested that the school nurse/non-instructional certificate proposed in the certification rules be eliminated. More than 90 other commenters submitted testimony requesting the elimination of the proposed certificate. The commenter stated that the regulations for this new certificate are “watered” down and do not properly prepare the candidate to function successfully as a school nurse. The commenter insisted that school nurses must be prepared to teach health. **(57 – 76, 78 - 89)**

**Response:** The department appreciates the public testimony submitted in response to the proposed school nurse/non-instructional certificate. The department agrees that additional study is necessary to prepare the school nurse/non-instructional to provide appropriate school health services. However, the department does not agree that candidates need to complete student teaching to be an effective school nurse who is not assigned to teach formal health classes. Many districts do not assign school nurses to teach health. These districts employ health teachers and health/physical education teachers to provide formal instruction in health education to meet the Core Curriculum Content Standard in comprehensive health and physical education. The department believes that there is a shortage of school nurses as evidenced by the number of emergency certificates issued each year. The department believes this new certificate will provide options for districts, charter schools and private schools for students with disabilities.

The department has researched the regulations for school nurses in other states. Only 24 of 50 states certify school nurses. New York and Pennsylvania do not require the school nurse to complete student teaching nor is the school nurse authorized to be assigned as a health teacher.

The department has also reviewed the New Jersey approved school nurse programs. The “student teaching” experience in most programs does not approximate the student teaching requirement that instructional personnel complete. A classroom teacher is required to complete a full semester of full-time student teaching. Most school nurse student teaching experiences require only a few days of actual classroom experience and, in at least one program, the candidate only observes classroom teachers. The candidate does not actually teach. The department believes that this level of “student teaching” does not provide the level of preservice teaching experience that the commenter suggests.

The department will revise the requirements for the school nurse/non-instructional certificate at N.J.A.C. 6A:9- 13.4(b) to include several of the commenter’s recommendations. The revised code language is as follows:

To be eligible for the standard certificate, a candidate shall hold a current New Jersey registered professional nurse license issued by the New Jersey State Board of Nursing, hold a bachelor’s degree from a regionally accredited college or university, hold current cardiopulmonary resuscitation (CPR) and automated

external defibrillators (AED) certificates and complete either a Department-approved college curriculum for the preparation of school nurses or a program of studies that includes:

1. A minimum of six semester-hour credits in school nursing, including school health services, physical assessments, organization and administration of the school health program and experience in a school nurse office;
2. Child and/or adolescent growth and development;
3. Health assessment
4. Public health including such areas as public health nursing, community health problems and communicable disease control;
5. Methods of teaching health in grades preschool through grade 12 including curriculum development;
6. Fundamentals of substance abuse and dependency; and
7. Special education and/or learning disabilities.

**120. Comment:** The commenter expressed concern about permitting emergency certification for school nurses. The conditions identified at N.J.A.C. 6A:9-13.3(c) and 13.4(c) are not rigorous. Candidates should be required to matriculate into a school nursing program before emergency certification can be granted. **(59, 73, 79)**

**Response:** The department agrees with the commenter. The code language at N.J.A.C. 6A:9- 13.3(c) and 13.4(c) will read as follows:

13.3(c) An emergency certificate may be issued to a candidate who holds a bachelor's degree from a regionally accredited college or university and a current New Jersey registered professional nurse license and a current CPR/AED certificate. The candidate shall present evidence of study in public health nursing and human growth and development and verification of matriculation into a state approved school nurse program. The study must appear on the transcript of a regionally accredited four-year college or university.

13.4(c) An emergency certificate may be issued to a candidate who holds a bachelor's degree from a regionally accredited college or university and a current New Jersey registered professional nurse license and a current CPR/AED certificate. The candidate shall present evidence of study in public health nursing and human growth and development and verification of matriculation into a state approved school nurse/non-instructional program. The study must appear on the transcript of a regionally accredited four-year college or university.

**121. Comment:** The commenter requested that the school nurse/non-instructional certificate be rescinded. PL 1999, Chapter 153 requires that a school district

employ a certified school nurse to provide nursing services in the public schools. The proposed non-instructional certificate is a waiver and will compromise the level of school nursing services. This is in conflict with the referenced law. In addition to the commenter, 34 other school nurses submitted similar testimony. (57, 60)

**Response:** The department disagrees. The certified school nurse/non-instructional will be well prepared and fully certified to provide nursing services in the public schools as mandated by PL 1999, Chapter 153. The holder of this certificate will be authorized to perform all school nursing functions. The holder will not be authorized to teach health as the assigned health teacher.

122. **Comment:** The commenters applauded the creation of a school nurse/non instructional certificate for those school nurses who did not choose to also be eligible for assignment as a classroom teacher of health. One commenter is a nurse practitioner with a master's degree. The new certificate would allow her to become certified to work in the public schools without completing a student teaching experience required for school nurses under the existing code. The commenter is aware of many other nurses with master's degrees and excellent pediatric experience who would be interested in providing school nursing services if a student teaching experience were not required. (26, 33, 38, 77)

**Response:** The department appreciates the commenter's remarks. The department's hope was that this additional certificate would attract candidates with these excellent nursing credentials to provide school health services. There is a shortage of nurses across the country, and a shortage of certified school nurses in New Jersey. This is evidence by the number of school nurses under emergency certification in the State. Approximately 280 school nurses are in school districts under emergency certification. Charter schools have had a particularly difficulty time recruiting certified school nurses. This second option certifying school nurses will provide greater opportunity to hire school nurses in districts that do require the school nurse to teach health.

123. **Comment:** The commenter submitted recommendations for changes in the proposed regulations for school social workers. The commenter, and two additional social workers, recommended that the school social worker be required to complete a master's degree and that study for the certificate be at the graduate level. The commenter noted that all other members of the child study team are required to have master's degrees. It is inconsistent not to require the same study of school social workers. The commenter also recommended that two years of social work or teaching experience should be required if the candidate does not have a master's degree in social work. (90)

**Response:** The department agrees that the school social worker should have master's level preparation. The recommendations of the commenter will be

accepted. The code language at N.J.A.C. 6A:9- 13.5(b) will be revised as follows:

To be eligible for the standard certificate, the candidate shall hold a [bachelor's] master's degree from a regionally accredited college or university, present two years of approved social work and/or teaching experience and complete a total of 30 graduate-level semester hour credits with a course in each of areas listed below:

- 124. Comment:** The commenter recommended that emergency certification require at a minimum a bachelor's degree in social work or a related area and provide evidence of matriculation in an approved social work program. The district must provide supervision from a master's level school social worker within the hiring district. **(90)**

**Response:** The department agrees that the emergency certificate should be issued to candidates with undergraduate study in a field related to social work and must provide evidence of matriculation in an approved social work program. However, the department does not agree that the code require formal supervision from a district school social worker. Many districts in need of emergency certified school social workers do not have the staff required for this provision.

The code language at N.J.A.C. 6A:9- 13.5(d) will be revised as follows:

- (d) An emergency certificate may be issued to a candidate who meets the following requirements:
1. A bachelor's degree in social work or a related area from a regionally accredited college or university; [and]
  2. Study in at least three of the study topics listed in (b)1[-] through 8 above to include a course in social casework[.]; and
  3. Matriculation in an approved school social worker master's program.

- 125. Comment:** The commenter supports the creation of the director of school counseling services but is concerned that certified directors of student personnel services will not be permitted to continue to serve school districts. The commenter requested a clarification in the proposed code to include a grandfathering of these professional educators. **(33)**

**Response:** The department agrees that a grandfather clause is essential to permit educators certified under current regulations to continue to be eligible for employment in school districts. The department will add proposed code language at N.J.A.C. 6A:9-13.1(c). The proposed language is as follows:

Holders of educational services certificates that are no longer issued with the effective date of this chapter may continue to serve in the service areas in which the teaching staff member was authorized to serve under the former rules.

- 126. Comment:** The commenter stated support for the proposed requirements for school counselors. The rules strengthen the academic preparation in school counseling while eliminating the requirement for teaching experience. This will enhance administrative flexibility in hiring school counselors. **(33, 38)**

**Response:** The department appreciates the commenter's support.

- 127. Comment:** The commenter expressed concern about the elimination of the teaching component in the proposed rules for certifying school counselors at N.J.A.C. 6A:9-13.8. If the teaching experience and professional coursework in teaching is no longer required, it is essential that the professional school counselor be prepared in school counseling. The commenter recommended that the preparation required of the counselor be strengthened to assure that school counselors are prepared to work with students in the school setting. The recommendations include the requirement that the supervised practicum be in a school setting, that the number of credits in counseling be raised from 15 to 18, and that the required study in lifespan development be changed to child and adolescent psychology. **(91)**

**Response:** The department agrees that it is important that the school counselor be prepared in school counseling. The proposed regulations at N.J.A.C. 6A:9-13.8(b) will be changed as follows:

To be eligible for the standard certificate, a candidate must hold a master's or higher degree from a regionally accredited college or university, and complete one of the following:

1. A Department-approved graduate curriculum in school counseling;  
or
2. A minimum of 48 graduate semester hour credits in the following areas:
  - i. Counseling: minimum of [15] 18 semester hours that must include study in theory and procedures of individual and group counseling, counseling and interviewing techniques, and career counseling;
  - ii. Testing and evaluation: minimum of three semester hours;
  - iii. Psychology: minimum of [nine] six semester hours in study related to [lifespan developmental] child and adolescent psychology, psychology of exceptional children, and psychology of learning;

- iv. Sociological foundations: minimum of six semester hours that must include study in community agencies, organization and resources and multicultural counseling;
- v. Statistics and research methods: minimum of three semester-hour credits;
- vii. Supervised counseling practicum in a school setting: minimum of six credits; and
- viii. The remaining six semester hours of study may be chosen from among the topics listed in (b)2i through vii above or education.

**128. Comment:** The commenter stated that the master's or higher degree required for the school counselor must be in school counseling. The regulations should be revised to include this stipulation. **(91)**

**Response:** The department disagrees with this recommendation. The department experience with requiring that the master's degree be in a specific field has been a hindrance for candidates who have completed a master's degree in another field before choosing to become a school counselor.

**129. Comment:** The commenter appreciates many of the changes in requirements for school counselors. The commenter mentioned specifically the elimination of the teaching certificate and experience requirements, and the acceptance of a master's degree in school counseling from an institution that meets the standards of The Council for Accreditation of Counseling and Related Educational Programs. However, the commenter requested that the number of credits in counseling be increased from 15 to 18 credits and the number of credits in psychology be reduced from nine to six. **(92)**

**Response:** The department agrees with the commenter. The recommended changes have been made. Please see comment 127 above.

**130. Comment:** The commenter expressed concern that the requirements for issuing emergency certificates as outlined at N.J.A.C. 6A:9- 13.8(d) do not provide sufficient preparation for the school counselor to perform adequately. The increasing demands and severity of student issues that confront school counselor in today's schools require that the emergency certified counselor comes to the district with a greater degree of preparation. The number of credits in counseling should be increased. **(91, 92)**

**Response:** The department agrees that 12 credits in guidance/counseling does not provide sufficient preparation for the school counselor. Therefore, the proposed code language at N.J.A.C. 6A:9- 13.9(d) will be revised as follows:

The Office may issue an emergency certificate upon the request of the county superintendent to a candidate who meets the following requirements



1. A bachelor's degree from a regionally accredited college or university; and
2. [Twelve]Fifteen graduate semester hour credits in guidance/counseling.

**131. Comment:** The commenter supported the regulations proposed for certifying school psychologists and urges the State Board of Education to adopt these regulations. **(93, 94)**

**Response:** The department appreciates the support of the proposed regulations and the assistance the commenter provided in the development of these regulations.

**132. Comment:** The commenter acknowledged that the proposed regulations governing the learning disabilities teacher-consultant certificate contains many changes that were recommended by professional learning consultants. Approximately 110 other commenters submitted similar public testimony supporting many of the proposed changes at N.J.A.C. 6A:9- 13.10. However, the commenter is concerned that the teaching experience requirement has been reduced from three years to two years. The commenter noted that the learning disabilities teacher-consultant is the only professional on the child study team who is an experienced teacher. The first year of teaching is devoted to learning the school culture and the basics of classroom management. It is not inappropriate to require two years of experience after the beginning teaching year. **(95, 96)**

**Response:** The department agrees with the commenter's statement. The regulations at N.J.A.C. 6A:9- 10(b)3 will be revised to read as follows:

Have [two] three years of successful teaching experience.

**133. Comment:** The commenter requested that the list of competencies for learning disabilities teacher-consultant be revised to include technology for students with disabilities. Learning disabilities teacher-consultants must be prepared in advances in technology in order to assess and plan appropriately for student. **(95)**

**Response:** The department agrees with the commenter. The language at N.J.A.C. 6A:9- 13.10(c)3vii will be revised as follows:

Accommodations and modifications as a method of providing service to children with learning problems including utilization of validated methods for adapting instruction for diverse learning needs; technology for students with disabilities; understanding of accommodations and modifications in curriculum, materials, methods, classroom structures, assessment; utilization of the individualized education plan (IEP) and the CCCS accommodation and modification; methods to enhance social relationships

and positive behavior methods; focus on the inclusive classroom environment; legal issues related to the responsibilities of the CST including the requirements of a free appropriate public education, least restrictive environment, the determination of eligibility, and the development of the IEP;

- 134. Comment:** The commenter stated that the requirements for issuance of an emergency learning disabilities teacher-consultant certificate are a significant improvement over the current rules that allow an emergency certificate to be issued to a candidate with no preparation. However, the commenter expressed concern that the emergency certificate can be issued to a candidate without the requirement for mentoring by an experienced learning disabilities teacher-consultant. **(95, 96)**

**Response:** The department acknowledges that the changes that require conditions for emergency certification are an improvement over the existing rules. Mentoring from an experienced learning consultant for the emergency certified learning disabilities teacher-consultant is desirable but not always available in each school district. Although the department will not revise the code to require this, the department encourages the commenter to network with school districts to develop an informal mentoring program.

- 135. Comment:** The commenter expressed thanks to the department for the proposed requirements for the speech-language specialist certificate at N.J.A.C. 6A:9- 13.6. However, the commenter expressed concern that the candidate who took the required test many years ago would be unable to document the test score. The commenter questioned the lack of reciprocity for holders of out-of-State certificates and asked for further definition of “regionally accredited college or university.”**(97, 98)**

**Response:** The department acknowledges the commenter’s support for the changes in regulations. The test requirement has been in place for more than fifteen years. For candidates who cannot obtain an official score report from Educational Services, the Office of Licensure and Credentials has accepted routinely a letter from the American Speech, Hearing, Language Association (ASHA) verifying the candidate’s score.

A regionally accredited college or university is an institution of higher education accredited by one of the following regional accreditation associations:

- [a]1. Middle States Association of Colleges and Schools;
- [b]2. New England Association of Schools and Colleges;
- [c]3. North Central Association of Colleges and Schools;
- [d]4. Northwest Association of School and Colleges;
- [e]5. Southern Association of Colleges and Schools; and
- [f]6. Western Association of School and Colleges.

There are many in-State and out-of-State institutions that have regional accreditation. This does not limit the candidate to an in-State institution.

- 136. Comment:** The commenter expressed concern about the emergency certification. The commenter appreciated that the proposed code limits the issuance of emergency certificates to candidates who hold bachelor's degrees in speech pathology. However, there is no time limit for working under the emergency certificate. The commenter stated that there needs to be a limit on renewing emergency certification. (97, 98)

**Response:** The department agrees with the commenter. There is a five-year time limit on all emergency certificates and renewal is predicated on the candidate making progress toward completion of certification requirements. Progress toward completion has been defined as a minimum of six semester-hour credits per year. N.J.A.C. 6A:9- 6.3(b) states the following:

The certificate is renewable annually up to a maximum of four years, in areas of shortage in educational services as identified by the [Department] local districts. Renewal is predicated upon demonstration of progress toward successful completion of coursework and tests required for issuance of a CE, CEAS or standard certificate.

- 137. Comment:** The commenter requested information about the status of candidates who hold the speech correctionist certificate. Will they be able to continue to provide services in the public schools? Will the "speech up-grade" project continue? (97)

**Response:** The department acknowledges that certified speech correctionists may continue to provide speech pathology services in the schools until 2010. The department has stipulated to the federal government that speech correctionists may no longer be employed providing services that are supported through federal funds after that date. The speech up-grade project will continue until that time.

- 138. Comment:** The commenter expressed appreciation for many of the changes in the proposed code for school library media specialists outlined at N.J.A.C. 6A:9-13.14. However, the commenter was concerned about several aspects of the proposed code. The commenter recommended the following actions:
- Addition to the authorization for the school library media specialist to parallel the authorization for the associate library media specialist certificate;
  - Clearly define the residency program for library media specialists who do not have instructional experience;
  - Require coursework in educational competencies for those candidates without professional education study in their programs. These competencies include educational theory, curriculum design and integration, teaching methodology, student/learning development, and behavior management.

- Elimination of the associate library media specialist certificate; and
- Technical changes in the code language **(99)**

**Response:** The department thanks the commenter for support of the proposed regulations. In response to the specific requests listed above, the department agrees to change the authorization for the school library media specialist as suggested. The revised proposed language at N.J.A.C. 6A:9- 14(a) will read as follows:

The school library media specialist certificate is required for any person who serves as a school library media specialist in grades preschool through 12. The functions include delivery of instruction in information literacy skills and the development and coordination of school library media programs and resources. The holder also provides instruction in the evaluation, selection, organization, distribution, creation and utilization of school library media. Media are defined as all print, non-print and electronic resources including the technologies needed for their use.

The department appreciates the commenter's concern that the residency for both school library media specialist and associate school library media specialists should be formalized. Mentoring from an experienced school library media specialist is desirable but not always available in each school district. Although the department will not revise the code to require this, the department encourages the commenter to network with school districts to develop an informal mentoring program. The department will work with the commenter to develop a feasible program that districts can choose to offer.

The department agrees that provision of instruction to students is an essential element in the duties of school media specialists. Therefore, the proposed code language at N.J.A.C. 6A:9- 13.14(c)2 and 13.15(c) shall be revised as follows:

Hold a standard New Jersey instructional certificate or complete a year-long school-based residency program in a school library media center under a provisional certificate and college-level study in educational theory, curriculum design and integration, teaching methodology, student/learning development, and behavior management. A certified school administrator, principal or supervisor shall provide supervision during the candidate's provisional year.

A candidate who meets the requirements in (b) above shall be required to hold a standard New Jersey instructional certificate or complete a year-long school-based residency program in a school library media center under a provisional certificate and college-level study in educational theory, curriculum design and integration, teaching methodology, student/learning development, and behavior management before a standard certificate can be issued. A certified school administrator,

principal or supervisor shall provide supervision during the candidate's provisional year.

The department does not agree that the associate school library media specialist certificate should be eliminated. The department believes this is an entry level certificate that can assist candidates' entry into the field and to provide some flexibility to the districts in hiring school personnel.

Finally, the department agrees with many of the technical changes suggested by the commenter because they provide greater clarity to the code language. The code at N.J.A.C. 6A:9-13.14 will be revised as follows:

(b)2vii [Child, adolescent or young adult] Children's literature and young adult literature;

(f) Those holding a standard New Jersey instructional certificate or a valid out-of-State instructional license who have completed a graduate degree program in a[n] regionally accredited institution with specialization in library science, [audio-visual,] school library media, or equivalent library media areas.

(b)2iii [Child, adolescent or young adult] Children's literature and young adult literature;

- 139. Comment:** The commenter noted a discrepancy in the code language at N.J.A.C. 6A:9- 13.14(h) that appears inconsistent with the department's inclusion of an associate school library media specialist certificate. **(100)**

**Response:** The department agrees with the commenter. The code citation will be deleted.

[(h) Individuals holding the permanent teacher librarian or standard associate educational media specialist certificate may be employed as school library media specialists under the supervision of the school administrator, principal or supervisor until August 31, 2010. After that date, the individual seeking employment as a school library media specialist must hold the school library media specialist certificate.]

- 140. Comment:** The commenter applauded the certification requirements that have been proposed at N.J.A.C. 6A:9- 13.14 and 13.15. The elimination of the teaching requirement will increase the districts' flexibility in hiring while assuring that the candidate is highly qualified. The year of provisional experience for those candidates without the teaching component will allow the district to assess the candidates' ability to provide appropriate instruction in school library media, which is such an essential part of the school library media specialist's responsibilities. The commenter further supports the maintenance of the associate library media specialist certificate as an entry to the field. **(33, 100, 101)**

**Response:** The department appreciates the commenters support.

- 141. Comment:** The commenter expressed appreciation to the department for proposing an education services certificate for educational interpreters. The adoption of this code at N.J.A.C. 6A:9-13.18 will ensure that individuals providing interpreting services in the schools will have the necessary skills. Currently, there is no requirement for certification and/or preparation. Oftentimes, educational interpreters who are assigned are unqualified and cannot provide the appropriate services needed for the level of instruction with which deaf or hard of hearing students are expected to and capable of learning. **(103 - 106)**

**Response:** The department values the support of the commenters.

- 142. Comment:** The commenter expressed concern that the code does not adequately address the special needs of children with severe visual impairments or blindness. The commenter recommended that the language at N.J.A.C. 6A:9-13.18(a) and (b) be revised to reflect these special needs. **(106)**

**Response:** The department acknowledges the importance of the suggested changes. The proposed code at N.J.A.C. 6A:9-13.18(a) and (b) will be revised as follows:

6A:9-13.18 Educational interpreter

- (a) The educational interpreter certificate is required for individuals who provide educational interpreting services, sign language interpreting, oral interpreting or cued speech transliteration to students who are deaf, [or] hard of hearing or deaf-blind in grades preschool through 12.
- (b) To be eligible for the standard certificate, a candidate shall complete the requirements in (b)1 or 2 below:
  - 1. Hold an associate or higher degree from a regionally accredited college or university and complete the following:
    - i. The Educational Interpreter Performance Assessment (EIPA) with a minimum score of three; and
    - ii. 15 semester hour credits of professional education coursework that includes study in child development, language development, curriculum development, methods of instruction, interpreting for visually impaired or blind students and legal and ethical issues for educational interpreters. Such study may be part of the degree program or in addition to the degree program and may be completed at an accredited two year college; or

2. Have a high school diploma or a General Education Diploma (GED), demonstrated interpreting skills as evidenced through the possession of a certificate from the Registry of Interpreters for the Deaf, the National Association of the Deaf or the National Cued Speech Association and complete the following:
  - i. The EIPA with a minimum score of three; and
  - ii. [15] Fifteen semester hour credits of professional education coursework that includes study in child development, language development, curriculum development, interpreting for visually impaired or blind students and legal and ethical issues for educational interpreters and methods of instruction. The study may be completed at an accredited two-year college.

**143. Comment:** The commenter suggested that the degree requirements identified in N.J.A.C. 6A:9-13.18(b)1 be revised to require a specific degree in human services – Interpreter Training Program. The commenter stated that the interpreter is not a teacher. Therefore, the recommended study requirements in curriculum development and methods of instruction. The commenter requested that the department reconsider the proposed requirements. **(105)**

**Response:** The department acknowledges the commenter’s concern. The department will research the recommendations and will respond at a later date.

## **SUBCHAPTER 15: Required Professional Development for Teachers**

**144. Comment:** The commenter stated that the professional development approval matrix used by the county professional development boards for approving district professional development plans is a valuable tool which sets out standard-based criteria for approval of district professional development plans. The commenter stated that the district professional development committees should be more aware of this tool to aid them in the development of their professional development plans. **(10)**

**Response:** The department agrees that the professional development approval matrix is a valuable tool that can benefit district professional development committees. The matrix is part of the professional development implementation guide available on the department website and has been an aspect of training on the initiative for districts. Future trainings will continue to reinforce its usefulness in plan design and approval.

## **SUBCHAPTER 16: Required Professional Development for School Leaders**

- 145. Comment:** The commenter recommends that the state advisory committee for the professional development of school leaders include two representatives of local school boards. **(10)**

**Response:** The department has proposed an advisory committee in which school leaders themselves play the key role in advising the Commissioner on the implementation of the requirement while including other key members of the school community including a school board member. The department has developed the professional development requirement based on national research including that of the Interstate Leadership Licensure Consortium which supports strong participation of school leaders themselves in the design of their own growth plans.

- 146. Comment:** The commenter states that the proposed regulations reflect the collective thinking of New Jersey Association of School Administrators and the New Jersey Principals and Supervisors Association who as members of the State Action for Education Leadership Consortium (SAELP) worked collaboratively with other education stakeholders to create a professional development requirement that will enhance the growth of school leaders. **(107)**

**Response:** The department agrees that the regulations reflect the cooperative work of the SAELP Consortium and will enhance the profession.

- 147. Comment:** The commenter stated that the proposed code regarding the professional growth plans for school administrators in N.J.A.C. 6A:9-16.4 conflicts with the professional growth plan for chief school administrators provided by the boards of education in N.J.A.C. 6:3-2.2. In addition, the commenter stated that the proposed code does not provide for school board input or review of the administrator's plan or link to the evaluation of performance. **(25)**

**Response:** The proposed growth plan specified in the proposed regulation was not intended to replace the provisions for a professional growth plan in N.J.A.C. 6:3-2.2. The professional development requirement in N.J.A.C. 6A:9-16.4 is intended to provide school leaders with the opportunities to develop a professional growth plan in collaboration with peers. It is not intended that the requirement supplant the evaluation process which include the provision for a professional growth plan. Instead, this professional development process is not evaluative in nature and is solely intended to promote professional learning of school leaders in a supportive environment of peer review.

## **SUBCHAPTER 17: State Board of Examiners' Proceedings**



**148. Comment:** The commenter supports the provisions dealing with procedures before the State Board of Examiners as they are not present in current code. **(10)**

**Response:** The department appreciates the commenter's support.